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House of Representatives

The House met at 10 a.m.

The Reverend Dan Remus, Senior Pastor, First Assembly of God, Kenosha, Wisconsin, offered the following prayer:

Father, we thank You for this day. We declare with the Psalmist, ''This is the day the Lord hath made; we will rejoice and be glad in it.''

Lord, I thank You for our great Nation. I thank You for the freedoms we enjoy in America.

Today we pray for Your protection for every man and woman serving in our armed forces. We pray for strength for their families. May they know the peace of God that passes all understanding.

Lord, today I pray that You will give wisdom to these men and women who are elected representatives. I know that they want what is best for America. I thank You that Your word tells us, ''If any of you lack wisdom, let him ask of God, who gives to all liberally, and it will be given to him.''

We ask these things in Your precious name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. TURNER) come forward and lead the House in the Pledge of Allegiance.

Mr. TURNER of Texas 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.

WELCOMING THE REVEREND DAN REMUS

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I want to welcome Pastor Dan Remus of the First Assembly of God Church in Kenosha to the floor of the House today. This is a very special moment for all of us.

Pastor Dan began serving the First Assembly in 1980 as their youth pastor. He became the senior associate pastor in 1985 and the senior pastor in 1997. And yes, as you can see, he is a young man.

The Church of the First Assembly of God supports many community efforts: homeless shelters, prison ministries, shelters for unwed mothers. Two of the ways the church reaches out to the community are school supply handouts to the inner city and a Queen For a Day program, a ministry to single moms who are taken in and pampered for a day of women's activities.

I have had the privilege of joining Pastor Dan in worship at the First Assembly of God, and I have got to say it is a wonderful church. It is a church that is growing. Their average attendance at their ceremonies and sermons are about 1,900 people. It is a church that is growing. They have about 790 children in their school.

The First Assembly is a very, very warm place that brings with open arms an invitation to all people to enjoy and worship Jesus Christ our Saviour.

One of the things that I enjoy so much about Pastor Dan's church are the great productions they put on at Easter and the 4th of July. It is something that many people from all around come to enjoy. Most importantly, he has been married to his wife Alexia for 25 years. He has 3 children, Heidi, Heather, and Danny, Jr.

Mr. Speaker, I appreciate this opportunity, and I want to thank Pastor Dan for traveling from Kenosha, Wisconsin to join us and give us such an uplifting prayer this morning.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10, 1-minutes on each side.

SUING THEIR WAY TO THE WHITE HOUSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, most people think this election will be close. Already, the Democrat party has assembled a legal team and campaign account to file a series of lawsuits on Election Day. Democrats are again preparing to sue their way to the White House by raising money to challenge election results.

This is not a new tactic for liberals, and that is what JOHN KERRY and JOHN EDWARDS are, the first and fourth most liberal Members of the Senate.

This political strategy has been used by liberals for years, to win by litigation what they cannot win through legislation. They have used this method to enact a large part of their social agenda in past years.

Mr. Speaker, it is easier to manipulate words, to dupe a few liberal unelected judges than to collectively fool the American people, but the American people are on to it. We hold elections for a reason: to allow the people to choose their own leaders, not lawyers and judges.

This should not be another ploy to challenge our democratic process.

BAD CHOICES MAKE AMERICA LESS SAFE

(Mr. TURNER of Texas asked and was given permission to address the House for 1 minute.)

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Mr. TURNER of Texas. Mr. Speaker, as we begin the debate on the 9/11 Commission recommendations today, we must ask the central question: are we as safe as we need to be. The answer is no, and it is all about the choices that we have made.

In the 2 years before 9/11, we secured more loose nuclear material than we did in the 2 years after 9/11. We have yet to install the radiation portals we need at our ports to detect nuclear material. We still do not have a unified terrorist watch list. Mr. Speaker, 120,000 hours of untranslated terrorist-related wiretaps remain untranslated at the FBI. Mr. Speaker, 20,000 illegal immigrants from places other than Mexico were released into our own country last year because of a lack of detention space.

In 2004, we invested about $20 billion more in homeland security than we did in the year of 9/11, but we granted 4 times that in tax relief to the wealthiest 1 percent of Americans.

It is all about choices, and we have made the wrong choices because our leadership has not committed us to making America as safe as we need to be.

TROOPS VOTE FOR BUSH

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as a 31-year veteran of the Army National Guard and the parent of 3 children serving in the military, including a son in Iraq, I am glad to report our troops are clearly supporting the reelection of President Bush. According to the independent Army Times, America's troops are voting today for President Bush by a margin of over 4 to 1.

Our troops know firsthand President Bush is courageously leading the successful fight against the terrorists on the global war on terrorism. He is the commander-in-chief to trust with their lives. American service members know in a time of war, we need a clear message to the murderers of children. President Bush has a hopeful vision of victory established by our competent troops who have liberated over 50 million people from Afghanistan to Iraq.

In my three visits to Iraq, I have seen and met the new greatest generation who are making history for democracy. President Bush clearly understands with our troops that the best way to protect American families is to take the war to the terrorists. We must fight at the source to reduce the potential for warfare in the streets of America.

In conclusion, God bless our troops. We will never forget September 11.

RECOGNIZING NATIONAL MENTAL ILLNESS AWARENESS WEEK

(Ms. HERSETH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HERSETH. Mr. Speaker, I rise today to recognize National Mental Illness Awareness Week, an opportunity to educate ourselves and our constituents about mental illness in America.

One of the first pieces of legislation I cosponsored in this body was the Mental Health Equitable Treatment Act, which requires parity for mental health services under private insurance plans. But this legislation would do something else. It would move us one step closer to eradicating the undue stigma often associated with mental illness.

As many as 1 in 5 children and adolescents suffer from mental illness in the United States, but many go untreated because of feelings of shame or guilt, or because parents, schools, and communities lack the information and resources essential to prevent the worsening of mental health problems and for early detection, and to improve treatment outcomes.

Many Americans, when diagnosed with a mental illness, confront both a frightening disease and a public that can be uninformed about the nature of their illness. Through educational campaigns like the National Mental Illness Awareness Week and smart, targeted policy initiatives, we can look forward to overcoming the stigma associated with mental illness in our communities and make life a little easier for all Americans suffering from mental illness and for their families as well.

IN HONOR OF SERGEANT RUSSELL L. COLLIER

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Sergeant Russell L. Collier from the Third District of Arkansas.

Sergeant Collier, an Army National Guard medic from Harrison, Arkansas, was killed in action in Iraq earlier this week. He died when he came under enemy fire while aiding fellow soldier Sergeant Chris Potts who had been wounded in ambush. Sergeant Collier and Sergeant Potts became the first casualties of the 206th Field Artillery Battalion of Arkansas's 39th Infantry Brigade.

Sergeant Collier spent most of his adult life sacrificing for our country. In 1975 he enlisted in the U.S. Army, later transferred to the U.S. Navy, and then joined the Arkansas National Guard in September 1999.

Mr. Speaker, Sergeant Russell L. Collier is a true American hero who made the ultimate sacrifice for his country. I ask my colleagues to keep Russell's family and friends, especially his wife and 9-year-old son, in their prayers during this difficult time

BORDER SECURITY INFRASTRUCTURE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I am deeply concerned about the State of our Nation's border security. If we cannot secure our land borders where 80 percent of all people enter our country, then we are simply not safe as a Nation.

In 1994, there were 2.7 million truck crossings on the southern border. In 2003, this traffic increased to 4.2 million crossings. In 1994, there were 66 million personal vehicles crossing into the United States from Mexico. In 2003, the number of personal vehicles rose to 88 million, carrying 194 million passengers.

These numbers cry out for a substantial investment in our borders, and what do we get? The administration has failed to meet our security and commercial needs by investing in our Nation's port of entry.

In 2003, the Department of Homeland Security's own Data Management Improvement Act Task Force reported that more than 70 percent of the 166 land ports of entry have inadequate infrastructure. What is the response? More investment? No. Typically, the administration shut down the task force. They are famous for that.

We need a substantial investment in border infrastructure tied to a vulnerability assessment to ensure national security.

HONORING BEN GAMACHE

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Ben Gamache upon being named the 2004 Small Businessperson of the Year by the Greater Manchester Chamber of Commerce.

Ben is the owner and chief executive officer of Gamache Enterprises, a commercial real estate investment firm in Manchester, New Hampshire. The company has proven its staying power as an established business and presence in the community for the last 27 years. Even though there have been tough economic times, Gamache enterprises has continued to invest in the community and refurbish unused or run-down mill and retail space to become thriving commercial properties.

Ben is a member of the Board of Directors for the Commercial Realtors and has invested thousands of dollars of his own money for revitalization projects on one of downtown Manchester side streets.

Ben has invested himself personally in the community with as much vigor and passion as he invests in himself as a businessperson. His most notable

contribution to the community has been his dedication to Easter Seals New Hampshire.

Ben's efforts have made Manchester a better business and residential community. I am honored to represent concerned and conscientious citizens like Ben Gamache in the United States House of Representatives.

HOMELAND SECURITY SHOULD BRING UNITY IN HOUSE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, as an ethical cloud hovers over the House of Representatives, as the fog of misrepresentation on the war in Iraq is slowly lifting, homeland security should be one thing that unites this country. But sadly, the greatest failure of the Republican leadership is the inability to bring us together around this issue.

The squabbling on a flawed bill later this morning is just one more example. It is not just its bad provisions; it ducks entirely the issue of unifying our fractured intelligence service. The 9/11 Commission under Governor Kean and Lee Hamilton did their job in a bipartisan manner. The Senate, working together with every, every Republican supporting it, did theirs. The tragedy for the House and the American people is that the House Republican leadership is unable to do their job with this critical task. The good news is the Senate and the 9/11 Commission did their job.

Mr. Speaker, it is more important than ever that the American people do their job on Election Day.

□ 1015

AMERICANS MISLED

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, the Duelfer report submitted by the chief U.S. weapons inspector to Congress yesterday confirms what we already knew: Iraq has no weapons of mass destruction, no nuclear weapons, no weapons programs. There is no evidence that Saddam Hussein had a plan to recruit or the capabilities to rebuild his arsenal of chemical and biological weapons.

Yet, George Bush, DICK CHENEY continue to mislead the American people by ignoring the facts and trying to justify the invasion of a nation that we now know posed no imminent threat to the United States. It is bad enough that we went to war based on the worst intelligence in this Nation's history. What is shameful and unforgivable is that the President who led us into this unnecessary war refuses to acknowledge our profound mistake and take responsibility for it.

The smirk, the swagger, the unbending stubbornness of this President has worn thin in the face of the reality of what is going on on the ground in Iraq. It is time that we elect a President with true leadership characteristics who will not lie to the American people and who can restore the respect and honor we once enjoyed in the world community.

HONORING FIRE CAPTAIN RICK BENNETT

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, today I rise to pay tribute to Fire Captain Rick Bennett, a man whose selfless service keeps the citizens of Georgia's 11th district safe each and every day.

This past Monday morning, I had the privilege of attending a Public Safety Appreciation Breakfast to honor Captain Bennett of the Cobb County Fire and Emergency Service. The award, Public Safety Employee of the Year, is given annually to an individual who has performed with exceptional skill, expertise, and innovation.

Captain Bennett has worked for Cobb County for 13 years and is assigned to one of the busiest stations in the county, Fire Station No. 8 in Kennesaw, Georgia, where he is responsible for eight fire and hazmat personnel. Captain Bennett is considered an expert in the field of hazardous material response and training and recently was invited to instruct at the State Fire Academy.

Mr. Speaker, our Nation's first responders are the brave souls risking their lives to prevent catastrophe, and Captain Bennett exemplifies the type of quality public safety employee that Georgia's 11th Congressional District has to offer, and he deserves our heartfelt thanks.

Mr. Speaker, I ask that you join in congratulating Captain Bennett for his fine work.

CHANGE IS NEEDED

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, we as Americans have been victims of lies, deceptions, and distractions. Today's LA Times reported that Saddam Hussein did not produce or possess any weapons of mass destruction for more than a decade before the U.S.-led invasion of Iraq.

Last year it was said, and it has been said repeatedly, that there were weapons of mass destruction. The Iraqi regime had no formal written strategy to revise the banned programs after sanctions and no staff or infrastructure in place to do so.

Mr. Speaker, more than a thousand U.S. troops have been killed and thousands more have been wounded for a bogus reason. We have broken a country, and we need billions of dollars to rebuild while we are neglecting our own needs here at home. The House leadership has been rebuked and the administration has led us in the wrong direction. A change is definitely needed.

CBS' MEDIA BIAS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, 2 weeks ago the ''CBS Evening News with Dan Rather'' broadcast a story about alleged Bush administration efforts to revive the draft. This story was based on a phony anonymous e-mail that claimed a new draft was imminent, and it featured a mother who said she was fearful her children would be drafted, but CBS did not reveal she is a leader in a group that opposes the draft.

Two days ago the House rejected legislation that would have revived the draft by a vote of 402 to 2. CBS apparently is not aware of the House vote because last night's broadcast made no mention of it.

Mr. Speaker, so after airing a major story about the possibility of a draft, CBS failed to report an overwhelming vote of the Congress not to resume the draft and, unfortunately, made no efforts to provide the American people with the facts.

Mr. Speaker, this week's media bias award again goes to the ''CBS Evening News.''

THE TRUTH WILL SET YOU FREE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, each and every day more and more information comes to light, and every single day we see more and more proof that there was no justification for this war in Iraq, no justification.

Did this administration and this President mislead, deceive, lie; or did they just fail to tell the truth? There was never ever any growing threat or any growing danger to our Nation. This President and his administration owe the community of nations, members of Congress, the American people, and the families of those who lost their lives in Iraq an apology.

This administration should come clean and tell the truth, nothing but the truth, the whole truth.

Now we learn that Iraq's weapons of mass destruction were destroyed after the first Gulf War. At the time we invaded Iraq, Iraq not only lacked any weapons of mass destruction; it lacked the capability to build them, and this administration knew it. They knew it. It is time to tell the truth and nothing

but the whole truth. The truth will set you free.

HONORING FIRST LADY HOVAH HALL UNDERWOOD

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to mark the passing and honor the life of and contributions of a former first lady of the State of West Virginia, Hovah Hall Underwood. Hovah was a young wife and mother when she and her husband, Cecil, moved into the Governor's mansion in 1956. Cecelia was a toddler, and Craig and Sharon were both born while the family lived in the mansion. She served as a gracious first lady, all the while focusing her energies on the task of raising three very young children.

In 1996 the citizens of West Virginia once again elected Cecil Underwood as Governor, and Hova was once again our First Lady. Building upon a lifelong dedication to the work of Big Brothers/Big Sisters, she always liked to say that this term she focused her energies on all the children of West Virginia. She was the driving force behind new programs to strengthen early learning and volunteerism in our State.

She took seriously the charge to serve others each day of our lives, and her legacy is the many thousands of lives that she touched. Our thoughts today are with Governor Underwood, their children, Cecelia Baker, Craig Underwood and Sharon Underwood, grandchildren Christopher and Coleman Richardson, Mary and Quinton Baker, and Jordan and Myles Underwood.

All West Virginians have indeed lost a very special friend.

HONORING OAK HARBOR SCHOOL DISTRICT AND NAS WHIDBEY

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, I rise today to express my appreciation for the outstanding work for the Oak Harbor School District and Naval Air Station Whidbey Island, both of which are in my district.

Currently, NAS Whidbey has five squadrons and one logistical unit deployed, roughly 1,000 servicewomen and -men, many who have children in the Oak Harbor School District.

This week representatives from the Oak Harbor School District visited my office to discuss how deployment impacts schools and students. Last year almost 60 percent of their students were children of active Navy personnel, 70 percent of which had at least one parent deployed overseas.

Teachers, counselors, and staff have taken on the additional task of helping those dealing with the incredible stress of having a loved one deployed.

NAS Whidbey has partnered with the Oak Harbor School District in this endeavor. Through ongoing communication, training for school staff and tutoring, they have contributed thousands of volunteer hours to work with the Oak Harbor School District to ease the burden placed on these families.

Military families are making honorable sacrifices for our Nation and deserve our heartfelt thanks and support. We must also thank the individuals like those at the Oak Harbor School District at NAS Whidbey who are doing their part to help families through this challenging time.

MONTGOMERY COUNTY SHERIFF NORMAN LEWIS, SHERIFF OF THE YEAR

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today we are talking about homeland security; and it is an honor for me to stand here and honor one of those unsung heroes, our law enforcement officers. This is a gentleman who is a hero in our community, in Tennessee's Seventh Congressional District. He has been named Tennessee's Sheriff of the Year. And it is our Montgomery County Sheriff, Sheriff Norman Lewis.

Sheriff Lewis is a 48-year veteran of law enforcement. He began his career as sheriff after retiring from the Tennessee Highway Patrol. He has dedicated 4 decades of his life to keeping us safe, and we really cannot thank him enough. Not only has the sheriff set an example for his colleagues in the field, Sheriff Lewis has also worked to ensure that our State's laws are sufficient to protect our citizens and our law enforcement officials.

He has consistently gone above and beyond the call of duty for his community. And today I join many who are congratulating him and extending thanks to Sheriff Lewis, our Tennessee Sheriff of the Year.

DAY OF RECKONING

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, by now everyone has heard the latest revelations that Saddam destroyed his stockpile of chemical and biological munitions in 1991, 13 years before the President needlessly took us into war. Saddam disarmed himself in 1991 because the economic sanctions were working. The evidence was there but the die had been cast.

The President was going to war. The details were merely inconvenient. The American people have hard new evidence proving once again that there was no justification for taking the U.S. to war against Iraq. Americans will believe it. The administration will deny it as usual. Every time he does, the President faces a fundamental issue in this campaign: it is the credibility of the Commander in Chief. The President can deny that he blundered into war. He cannot deny that more Americans know it.

The day of reckoning is coming. In 26 days this President will not be able to deny that he was just voted out of office.

SUGAR REFORM CAUCUS

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, today a bipartisan group of Democrats and Republicans is forming the Congressional Sugar Reform Caucus. Our caucus will form a bipartisan effort to reform the sugar program through legislation, when appropriate, but also working with the President, manufacturing employers, and union leaders.

The sugar program currently forces Americans to pay sugar prices at twice the world level. It kills manufacturing and union jobs. The sugar program cost over $400 million alone in fiscal year 2000 and this cost to the taxpayer is in addition to the lost jobs and higher grocery prices. By forcing sugar prices at two or three times the market price, our law not only inflates consumer costs, it creates an incentive to move manufacturing jobs offshore. No one knows this better than Chicago where thousands of people in manufacturing jobs were thrown out of work because of the sugar program.

Mr. Speaker, our sugar policy is a mess, and we need to defend manufacturing jobs by reforming this program.

WEAPONS OF MASS DESTRUCTION REPORT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, listen to these words: ''There can be no doubt that Saddam Hussein has biological and chemical weapons.'' Secretary of State Colin Powell. ''Iraq could have nuclear weapons in less than one year.'' President Bush. ''Iraq is rebuilding chemical and biological weapons facilities. We believe, in fact, he has reconstituted nuclear weapons.'' Vice President CHENEY.

These are the words used by the Bush administration to convince the world that Saddam Hussein was an imminent threat to the American people; but as confirmed by the President's own weapons inspector, the administration was ''almost all wrong in every aspect of its case for war.'' There was no ''grave and gathering threat.'' And the only smoking gun found is evidence that this administration knew this intelligence was shaky, and at worst, wrong.

□ 1030

If U.N. inspectors had been given a few more months in Iraq, we would have known that Iraq was no serious threat. Now, the best case scenario we can achieve in Iraq is, and I quote, ''tenuous stability;'' the worst case, civil war.

President Bush gave two speeches on the campaign trail yesterday. Neither mentioned the report. When is this administration going to admit to grievous errors of misjudgment?

CELEBRATING THE LIFE OF DR. JAMES RICHARD RUTLEDGE

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, it is with sadness that I rise this morning to remember the life of Dr. James Rutledge, who recently passed away at the age of 65. I am honored to stand before this body of Congress and this Nation to recognize some of his many accomplishments.

He was born in Ironton, Ohio. He was educated in Kentucky. He joined the air force after receiving his degree in medicine. He served his country honorably, and for his service in Thailand during the Vietnam War, he attained the National Defense Service Medal, the Vietnam Service Medal and the Republic of Vietnam Campaign Medal.

Jim and his wife Rhonda moved their family to Jasper, Alabama, which is located in the Fourth Congressional District in February of 1980, and he served as the medical director of laboratory medicine at Walker Baptist Medical Center.

Dr. Jim Rutledge was a man who loved his God, his wife Rhonda, his family and his country. He was a true American hero to so many during his life. He was a man many depended upon, a man of little fanfare but deep wisdom and compassion.

Our prayers continue to go out to Jim's family, friends and community at this difficult time.

Mr. Speaker, I could go on much longer about this man but time does not permit. However, I will put an extended tribute to Dr. Rutledge in the RECORD.

ADMINISTRATION MUST ADMIT MISTAKES

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, Saturday, October 10, will mark the 2-year anniversary of the House of Representatives passing the war resolution. Let me give my colleagues some of the highlights in the last 48 hours and news.

Iraqis eliminated illicit arms in the 1990s. Paul Bremer criticizes troop levels: ''We never had enough troops on the ground.'' France was ready to send troops to Iraq, 15,000, but did not because of the relationship with President Bush.

White House embraced disputed arms intelligence. The White House claimed Iraq was buying aluminum tubes to facilitate its nuclear capability, even though their own experts told them otherwise.

Funds to rebuild Iraq are drifting away from their target. Only 20 cents on the dollar are going to rebuilding Iraq.

Secretary of Defense Rumsfeld said there was no relationship between Iraq and al Qaeda.

Mr. Speaker, the house of cards that this administration built for the case for going to war and how to prosecute this war is collapsing. In going to war, this administration allowed etiology to trump reality. Iraq was not an imminent threat, but with the costs and casualties mounting, candor would be a welcome addition to this White House. You cannot fix a problem if you do not acknowledge that you have one.

TIMES WHEN WAR IS THE ONLY OPTION

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, I rise today in thanks and tribute to our wonderful troops and a volunteer Army in Iraq who are making the world safer, and I quote my friend Gary Bauer about Senator KERRY: Moreover, wind surfing is not a policy; it is an excuse or inability to act. He sounds like Neville Chamberlain clinging to a scrap of paper after accepting the lies of a lunatic and declaring peace in our time, the terrorists had been there all along.

But Winston Churchill understood there are times when war is the only option. One more U.N. resolution, one more scrap of paper from Saddam Hussein would not have made America safer. Our President understood that and he stood up for America.

SANCTIONING IRAN

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, during the presidential debate, both candidates agreed that nuclear weapons in the wrong hands were the greatest threat to America. President Bush described his policy by saying we have sanctioned Iran; we cannot sanction them anymore. What an incredible falsehood.

This Congress last decade passed the Iran-Libya Sanctions Act, which prevents any oil company investing in Iranian oil infrastructure from doing business in the United States. Yet the President has refused to apply this law. He gave a wink, a nod and a consent to a consortium of Japanese oil companies, revealed in the financial press, which allowed them to go forward with $2 billion of investments in Iranian oil fields.

The State Department wrote to me and said that we will continue to import nonenergy items from Iran. We will continue to do business with Iran because we want them to do business with us.

Who is Iran doing business with? Halliburton, doing business with Iran through its foreign subsidiaries.

So when the President says we have already sanctioned Iran, we cannot sanction them anymore, what he really means is, we are going to continue to do business with Iran and we want them to do business with Halliburton.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on the conference on H.R. 4567, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4567, be instructed to insist on inclusion of the highest possible level of funding for each homeland security, first responder, domestic preparedness, emergency management performance grant, fire grant, flood map, and disaster mitigation program within Titles II and III.

The SPEAKER pro tempore. Under rule XX, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct House conferees is straightforward. It is a motion to insist on the highest possible level of funding for each homeland security first responder, domestic preparedness, flood map and disaster mitigation program in the bill.

In the conference on the fiscal 2005 Homeland Security appropriations bill, we have the opportunity to provide additional homeland security resources to close known security gaps and to strengthen our first responders.

Going to the higher funding levels for each of these programs means that we would provide $945 million more than the House-passed bill. We should instruct our conferees to do just that.

We all know that first responders, our local police, firefighters, the emergency response personnel, will be the first at the scene of a terrorist attack. We know only too well how many of them lost their lives on 9/11.

Yet, the Senate bill provides $400 million less for the Office of Domestic Preparedness grant programs than the House bill does. This motion would direct conferees to include the highest level for each of the programs funded under ODP.

The conferees should insist on the $1.25 billion provided by the House for the formula-based preparedness grants to all States.

The conferees should insist on $500 million provided by the House for law enforcement preparedness grants to all States.

The conferees should insist on the $1.3 billion provided by the Senate for urban area security grants.

The conferees should insist on the $50 million provided by the House for metropolitan medical response system grants.

We should insist on the $236 million the Senate provided for emergency management performance grants. These grants directly support the States' emergency management programs.

The conferees should also insist on the additional $100 million provided by the Senate for fire grant programs, which would still only fund our fire departments at this year's level.

A year ago, the Council on Foreign Relations released a report entitled, First Responders: Drastically Underfunded, Dangerously Unprepared. The report stated that billions of dollars, $98 billion specifically, are needed to properly equip first responders. Yet, the Bush administration and the Congress continues to cut this funding, not increase it.

Another recent survey shows that fire department needs are immense and are not being met. Is this where we should be 3 years after 9/11?

The motion also addresses funding for our border patrol and immigration investigation operations. A recent Time magazine cover story entitled, ''Who left the door open?'' exposes the weaknesses in our land border security efforts. These are troubling homeland security gaps that we must fix.

While these problems cannot be solved by money alone, additional funding is critical to help harden our security barriers, increase our deportation efforts, and expand our border patrols. We should provide these resources.

House conferees should be instructed to insist on the additional $211 million that the Senate provided for northern border air surveillance operations. We have not yet done what we need to do to protect our northern border.

House conferees should be instructed to insist on the $136 million the Senate provided for increased alien detention efforts, including additional bed space and detention alternatives.

As the 9/11 Commission noted, we have an immigration system that is ''not able to deliver on its basic commitments, much less support counterterrorism.''

The Air Marshal program is also critical to enhancing our aviation security. The Bush administration has allowed the number of air marshals to fall below the levels they recommended after 9/11. The Senate bill contains an additional $50 million to increase the number of air marshals. House conferees should be instructed to insist on this higher funding.

At the current rate, it will take over 10 years to install checked baggage explosive detection systems in airports with the most critical problems. While TSA is trying to replace unwieldy temporary systems with permanent explosive screening solutions, our progress in this effort is directly related to resources. The Senate bill contains $96 million more than the House. Conferees should be instructed to insist on the higher funding level.

The recent hurricane and flooding reminded us how important it is for communities to have accurately mapped flood areas and funding to mitigate disasters so they do not recur. The Senate bill provides $100 million more than the House for these efforts. Our conferees should be instructed to insist on this higher funding.

All of these programs are needed to close homeland security gaps and better prepare our Nation. The motion to instruct directs the House conferees to agree to the highest funding levels possible for homeland security, first responder, domestic preparedness, flood map and disaster mitigation programs.

We should be doing all we can to close known security gaps today so that we are not sorry tomorrow.

Mr. Speaker, I urge adoption of this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report for the fiscal year 2005 Department of Homeland Security appropriations bill, which we will be considering on the House floor soon, will provide $32 billion for the Department of Homeland Security. This funding level is consistent with the subcommittee's spending allocation, and it is $496 million above the amounts proposed by the President and $1.1 billion above fiscal year 2004 enacted levels.

The conference allocation will allow us to aggressively support critical homeland security missions identified in the gentleman's motion, including first responder, domestic preparedness, emergency management, firefighter assistance and disaster mitigation and relief programs.

□ 1045

The motion offered by the gentleman from Minnesota is consistent with my intentions to secure our Nation's homeland by providing the most robust funding possible for all aspects of homeland security: Protection, preparedness and response. But we must do this within our spending allocation.

For the 22 agencies that now make up the new department, Congress has provided more than $73 billion through fiscal 2004. With the additional $32 billion in this bill, the totals provided to the Department is more than $105 billion in fiscal years 2002 through 2005.

Tremendous progress has been made in making our Nation more secure using the right mixture of people and technology to strengthen our borders and close security gaps. Let me give some success stories:

Since its creation, the Department has inventoried the Nation's critical infrastructure to include more than 33,000 facilities and begun identifying and reducing vulnerabilities at chemical plants and facilities, nuclear power plants, national monuments, subway and light rail systems, and commercial sites, among others.

Two, the Department has streamlined the process used to get money out to first responders by setting up a new one-stop shop and eliminating choke points so that money can flow where it is needed more rapidly.

Three, we have enhanced aviation security by searching all checked bags for explosives, modifying airports to install explosive detection machines in-line, improving air cargo security through increased screening and enhancements of the known shipper program, and developing antimissile devices for commercial aircraft.

Four, we have increased the presence of the container security initiative to more than 38 foreign ports which ship us over 80 percent of our container freight, meaning that we are prescreening most high-threat cargo before it ever reaches our shore.

The next point. We have made capital improvements, investments in innovative technologies, including radiation detection for our ports and nonintrusive inspection technologies for cargo screening which are deployed at our busiest land and seaports.

And we have created standards for first responder equipment, established three Homeland Security Centers of Excellence and expanded the presence of sensors in high-risk cities for detailing biohazards.

Those are just some of the accomplishments that we can count on and be thankful for since 9/11.

Mr. Speaker, I support the highest possible funding levels for the critical functions of the Department of Homeland Security. I also believe in the responsible use of taxpayer money. As we move towards conference, my goal is to do all we can to ensure both our Homeland Security operators as well as our first responders get the tools they need to keep our hometowns safe and secure.

I certainly believe in doing all we can to make this country safe, and in that spirit, I accept the gentleman's motion as a good one.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the distinguished ranking Democrat on the House Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased that the gentleman from Kentucky has accepted the Sabo motion, but I want to express a caution. It does the country no good, it does this institution no good if that motion is accepted for purposes of moving us to conference and then discarded the moment we move into conference.

I do not want anybody to vote for this motion to accept today unless they intend to oppose any bill that comes back from conference which short-sheets the funding levels described in the Sabo amendment. To do that would be legislative hypocrisy.

Mr. Speaker, I think a number of things need to be pointed out. This President and this administration have a long history of trying to prevent this Congress from providing all of the funding that we think is necessary to protect Homeland Security. After we were hit by anthrax, and our committee on a bipartisan basis put together a list of crucial additions to the Homeland Security budget, we went down to the White House and tried to show them to the President. Before we could say one word, the President said, ''Well, I want you to know that if you appropriate a dollar more than I have asked for for Homeland Security I will veto the bill,'' without even listening to what it was that we had to say. We had to point out to him that there were four different Federal installations that his own security people had said were under grave threat of terrorist attack, which his budget was not doing one blessed thing to protect, and he still resisted us.

So we had to come back to the Congress and, despite the President's threat of veto, we had to add several billion dollars to the bill that year.

The next year, the President pocket vetoed $1.5 billion in additional funding for Homeland Security that this Congress had provided on a bipartisan basis. Ninety-eight percent of the Republicans and the Democrats in both Houses had voted for those add-ons, yet the President declined to allow that money to go forward.

So today we are still far behind where we should be in protecting our courts, far behind where we should be in protecting the northern border. We have 2,000 fewer inspectors on the northern border than the PATRIOT Act itself said we ought to have.

So I am frankly amazed at the footdragging that this administration has done or has engaged in when it comes to providing adequate funding for these items. We have only 13 percent of America's fire departments who are fully equipped to respond to a full-blown HAZMAT incident. We only have one-third of firefighters per shift who are adequately equipped with self-contained breathing apparatuses, and we still have a minuscule percentage of cargo inspected as they come into our ports.

The gentleman from Kentucky talks about how we have 38 ports we are now trying to put the new Customs system in. There are 38 ports we are trying to get that done in, but it is not done yet. And as far as China is concerned, we are barely off the ground at inspecting the huge amount of cargo that comes into this country from China. So we have huge additional holes.

So I hope this House and this committee will not be disingenuous in accepting this amendment now and then walking away from its requirements as soon as we get to conference later today.

What we have been doing consistently is moving bureaucratic boxes around, rather than providing adequate resources to do the job. What we did 2 years ago on Homeland Security, we had 133 agencies that had something to do with homeland security. This Congress took 22 of them, not including the FBI, not including the CIA, the two most important agencies, we took 22 out of 133 agencies, lumped them together, called that the Homeland Security agency. We still had 111 agencies on the outside looking in. They were not included in the reorganization. As a result, we have a huge percentage of key personnel positions in the Homeland Security agency today that are still not filled, and almost 25 percent of the positions that are filled, are filled with political appointees.

Mr. Speaker, what we have not done, while we have rearranged the boxes, is to provide enough adequate financial resources to this agency. So I hope we are serious in accepting this motion today.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin knows that our subcommittee does a lot of closed-door briefings. They are not hearings, they are briefings. They are behind closed doors because we are dealing with classified materials and procedures and practices. Therefore, there is a lot we cannot talk about here in these surroundings. There is a lot going on that we cannot describe. And I really resent those who would take advantage of the fact that we cannot describe all that we are doing to say we are not doing enough.

I resent that. If the gentleman would attend some of those closed briefings, he would know better.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Wisconsin.

Mr. OBEY. I have attended a lot of briefings that I have never seen you at, with the CIA, the Homeland Security Agency, and a number of others.

Mr. ROGERS of Kentucky. Well, if you would attend one closed Homeland Security briefing, I would appreciate it.

Mr. OBEY. You don't know the briefings I have attended.

Mr. ROGERS of Kentucky. Reclaiming my time.

Mr. OBEY. Get your facts straight.

Mr. ROGERS of Kentucky. Reclaiming my time.

The SPEAKER pro tempore (Mr. HAYES). The gentlemen will direct their comments to the Chair.

Mr. ROGERS of Kentucky. Reclaiming my time, Mr. Speaker.

Suffice it to say on, for example container security, there is a lot more going on than the gentleman has described, or perhaps even knows about. And I would hope that we could keep this discussion based on facts, and based on the fact that we cannot talk about publicly a lot of the classified procedures and operations that are being done and easily demagogued by those who want to buy some political insurance in case we have an unfortunate incident in the future.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume, before I yield to the gentleman from Texas, to make just a couple of comments.

I am not sure we get anyplace by talking about who has been at meetings or who has not. I have been at lots of meetings with the ranking member as it relates to Homeland Security. I also have been at lots of meetings that do not relate to Homeland Security but relate to another subcommittee I am on in which Mr. OBEY has been at. Frankly, it is interesting to hear intelligence from two different perspectives. It is helpful at times. Other times, they still leave you wishing you knew more.

But let me just make this observation. It is true we have limited dollars. It is also true we have an immense new challenge. I hear all this rhetoric that we are in a war on terrorism and that we are and have potential targets in

this country. It only strikes me from open and closed hearings that I have been at that we are pretty casual about the threat we face in this country.

Clearly, we have spent billions, and some progress has been made. But the gaps are there, and they are large and they are substantial. It is always impossible to deal with every potential gap that someone can think of. That is impossible in a free society. On the other hand, we know that there are large targets in this country that, frankly, we have not done enough about. We also know that there are significant gaps in the funding of our first responders, and we know that in the last couple of years, rather than going forward, we are going backwards in the funding of first responders in this country.

□ 1100

This committee and this House have been better than the administration. The administration has regularly cut funding in their budgets for first responders. We have added, but have not been able to add back everything they are cutting. And we are into this same pattern again. The bills that we have will be significantly better than what the administration requested. But what the administration requests as it relates to first responders in this country is simply tragic.

Mr. Speaker, I yield 5 minutes to my good friend, the gentleman from Texas (Mr. TURNER), the ranking Democrat on the Select Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I think Members on both sides of the aisle have the same intention, that is, to make America as safe as it needs to be, but I do think there is a very different view of what it will take to ensure the safety of the American people against the threat of al Qaeda and the threat from bin Laden.

When we look at the current level of expenditures for homeland security, what we see is there is much that we have not done. We have not secured the loose nuclear material that is around the world and which represents the greatest threat to our security, that is, the possibility and likelihood that a terrorist would try to detonate a nuclear bomb within one of our cities. We spent more money trying to secure loose nukes in the 2 years prior to 9/11 than we did in the 2 years after 9/11.

We look at the results of the efforts that have been made and how they fall far short of our goal. We do not yet have a unified terrorist watch list. We had 120,000 hours of untranslated wiretaps at the FBI that was reported in the newspaper just this week. We know there are 20,000 illegal immigrants who were caught and released into our country last fiscal year because there was no funding for the detention space to hold them, illegal immigrants from places other than Mexico.

We know that in 2004, last year, we had invested about $20 billion more in homeland security than we did in the year prior to 9/11. We know that is a lot of money, and yet we also know that in terms of our priorities and in terms of our $850 billion discretionary spending budget, it was not a major change in commitment.

The truth of the matter is, we need to do better. We must make America safer. It is all about choices. It is all about priorities.

When you look at the tax cuts that were given to the top 1 percent of Americans in fiscal year 2004, they totaled four times more than the additional investments we made in homeland security over the year prior to 9/11.

We have a whole list of unmet needs. We are told we need $2.7 billion to secure our rail and public transit systems. We are told we need at least $200 million more to install all of the radiation portal detectors this year to make sure we do not have a nuclear weapon shipped into our country by land or sea or air. We know that we need $100 million to hire additional security personnel on the northern border and an estimated $1 billion to truly secure the southern border. We know that in this appropriations bill we have zeroed out the funding for interoperable communications grants, such a critical issue to our first responders all across this country.

I recognize that the gentleman from Kentucky (Chairman ROGERS) has made his best effort and worked within the constraints that he was handed, and I am pleased that we have close to half a billion dollars more in this bill than the President has requested. But it was very telling to me the other night during the debate when JOHN KERRY enumerated several of these needs that we have to improve our homeland security, and the President replied, ''He doesn't tell you how he is going to pay for this.'' He said it is like a big tax gap.

Mr. Speaker, today we are borrowing half of our discretionary spending, and if the President really believes that we are in a war on terror, as I do, I think he would place homeland security as a priority in terms of what we do.

So, yes, under the leadership of the gentleman from Kentucky (Chairman ROGERS), we are appropriating more money than the President even asked for to protect the homeland, and yet it is still far from meeting the needs that we have.

When you look at the amount we are spending and you compare it to what we are spending in other places in our budget, the spending for fiscal year 2005 is about $1 billion above the level for last year. That $1 billion is equal to about a week of what we spend in Iraq.

I would say to you, if the threat is, as I believe, a threat of international terrorists attacking us on our own soil and this is a war we must win, I would suggest that we change our priorities. We will make different choices, and we will ensure that America is safe.

Mr. ROGERS of Kentucky. Mr. Speaker, I reserve my time.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the gentleman from Kentucky says that he resents the fact that I have raised some of these shortcomings on the House floor. I am sorry he takes so many things personally. We all recognize that his committee has added $800 million to the administration budget; and as far as it goes, that is fine. But that does not mean that we are meeting the needs of this country.

He likes to talk about things that people do not know, ''classified information.'' Rather than hiding behind that classified information, I would simply say I will tell you what is not classified: the fact that we have fewer air marshals today patrolling the skies than the President and the Congress promised in 2001.

I will tell you what is not classified: the fact that the President of the United States himself said that 40 percent of people who are in this country illegally have overstayed their visas, and yet that backlog of cases has grown by 40,000 a year.

I will tell you something else that is not classified: the gentleman says we need to be fiscally responsible. The President in the debate with Mr. KERRY last week said, ''Well, it is interesting to see how much Mr. KERRY wants to provide for homeland security, but where is he going to get the money?''

I will tell you where we tried to get it. We tried to say, instead of giving people who make $1 million a year a $128,000 tax cut next year, let's cut that back for those folks who make over $1 million and put that money into additional port security, put that money into airline security, put that money into screeners. And do you know what? The gentleman from Kentucky voted against that. So he had a choice between homeland security and additional tax cuts for millionaires, and he made the wrong choice.

Mr. SABO. Mr. Speaker, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HAYES). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct on H.R. 4567 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 4661, as amended; on the motion to suspend the rules and pass H.R. 5213, as amended; and on the motion to suspend the rules and pass H.R. 5186, as amended.

The vote was taken by electronic device, and there were—yeas 395, nays 16, not voting 21, as follows:

[Roll No. 502]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—16

Bachus
Duncan
Dunn
Ehlers
Feeney
Flake
Garrett (NJ)
Jones (NC)
Kingston
Kolbe
Linder
Musgrave
Pearce
Shadegg
Tiberi
Toomey

NOT VOTING—21

Boehlert
Culberson
Filner
Gephardt
Hulshof
Israel
Johnson (CT)
Kilpatrick
Kleczka
Majette
Millender-McDonald
Neal (MA)
Norwood
Paul
Radanovich
Slaughter
Sullivan
Tauzin
Towns
Vitter
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1133

Messrs. GARRETT of New Jersey, BACHUS, and EHLERS changed their vote from ''yea'' to ''nay.''

Mrs. CUBIN, Mrs. MILLER of Michigan, and Messrs. TERRY, GRAVES and HOSTETTLER changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 502, I was in my Congressional District on official business. Had I been present, I would have voted ''yea.''

INTERNET SPYWARE (I–SPY) PREVENTION ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4661, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 4661, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 503]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson

Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—17

Boehlert
Cox
Filner
Gephardt
Greenwood
Kilpatrick
Kleczka
Majette
Millender-McDonald
Neal (MA)
Norwood
Paul
Scott (GA)
Slaughter
Tauzin
Towns
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1143

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall Vote No. 503, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

RESEARCH REVIEW ACT OF 2004

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5213, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 5213, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 504]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Boehlert
Filner
Gephardt
Greenwood
Kilpatrick
Kleczka
Majette
Millender-McDonald
Neal (MA)
Norwood
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1152

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 504, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

TAXPAYER-TEACHER PROTECTION ACT OF 2004

The SPEAKER pro tempore (Mr. LATHAM). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5186, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and pass the bill, H.R. 5186, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 505]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Boehlert
Brown-Waite, Ginny
Fattah
Filner
Gephardt
Greenwood
Hunter
Kilpatrick
Kleczka
Majette
Millender-McDonald
Neal (MA)
Norwood
Paul
Slaughter
Tauzin
Taylor (NC)
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1200

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 505, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

PRIVILEGED REPORT ON H. Res. 776, INQUIRY REQUESTING THE PRESIDENT AND DIRECTING SECRETARY OF HEALTH AND HUMAN SERVICES PROVIDE CERTAIN DOCUMENTS RELATING TO ESTIMATES AND ANALYSES OF COST OF MEDICARE PRESCRIPTION DRUG LEGISLATION

Mrs. JOHNSON of Connecticut, from the Committee on Ways and Means, submitted a privileged report (Rept. No. 108–754 Part I), on the resolution (H. Res. 776) of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROGERS of Kentucky, YOUNG of Florida, WOLF, WAMP, LATHAM, Mrs. EMERSON, Mrs. GRANGER, Messrs. SWEENEY, SHERWOOD, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, and Messrs. BERRY, MOLLOHAN and OBEY.

There was no objection.

□ 1200

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. REYNOLDS. By direction of the Committee on Rules, I call up House Resolution 828 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 828

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 7, 2004, providing for consideration or disposition of a conference report to accompany the

bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Madam Speaker, House Resolution 828 is a same-day rule that provides for consideration of the rule to accompany the conference report to H.R. 4520, the American Jobs Creation Act of 2004. The rule waives clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules.

Madam Speaker, this Congress has been debating the American Jobs Creation Act of 2004 throughout this summer, all the while European Union sanctions on American exports have been quickly rising at a rate of 1 percent per month and now stand at a staggering 12 percent. They will continue their constant uptick at an additional 1 percent per month until the FSC–ETI is repealed or the rate reaches 17 percent.

Madam Speaker, these sanctions are unnecessarily costing domestic manufacturers, small businesses, and farmers billions upon billions of dollars. They are raising the price of 1,600 categories of U.S. goods sold outside the United States, and they are hindering the exporting capability of multiple industries. Farm products, jewelry, steel, tools, glass, toys, and clothing are among the goods subject to the penalty tariff. We simply cannot delay in delivering the needed relief to the producers and manufacturers of these products who have been subjected to the true financial hardship of this situation. Without our swift action, many small businesses and other employers face financial devastation and we risk job losses.

A conference report has been prepared that answers the call by repealing this export tax subsidy and providing tax incentives for domestic purposes. It simplifies complex international tax law, provides businesses with more resources to create new jobs, and is revenue neutral, so it will not add to the Federal deficit.

This Congress must continue its commitment to provide strong economic policies that spur growth and encourage domestic manufacturing while generating jobs and protecting our small businesses and farmers.

The answer is clear, Madam Speaker, passing the American Job Creation Act today is of the utmost importance to American workers and their families. I urge my colleagues to support this rule and the underlying conference report as it later comes about.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, my friend from New York has introduced a martial law rule to allow the House to consider the FSC-ETI and corporate tax giveaway bill at some point today. This bill has been lingering in legislative limbo for months, and we could have fixed this problem a long time ago for a lot less money. But now, one day before we have been told by the Republican leadership that we are going to adjourn until after the election, we have been rushed to the floor to consider a martial law rule to debate and vote on a bill that has barely been filed.

Let me repeat that, Madam Speaker. We are considering a rule for a bill that was just filed. We are considering a rule for a bill that has been available for just a few minutes. The American people do not know what is in the bill, but we are here rushing it through at the eleventh hour.

I cannot say I am surprised by the Republican leadership's actions. Unfortunately, the outrageousness of the Republican leadership's actions in the 108th Congress, from the Medicare vote, to the energy bill, to the continued fiscal irresponsibility, just to name a few, has made transgressions like this one pale in comparison.

But this martial law rule is not a trivial matter. It is important for my colleagues and the American people to know and understand exactly what the Republican leadership is forcing this body to do today. Madam Speaker, what we are doing right now on the floor of this great institution is flying blind, and that is par for the course for what takes place under this Republican leadership.

We can read in the newspaper reports that this bill is loaded up with goodies for special interests and friends of the Republican leadership. The Washington Post today editorializes that this bill should be vetoed. But I ask you, Madam Speaker, who other than the Republican leadership has seen the final version of this bill? Can the Republican leadership provide a copy of this bill for every Member right now so they can actually read it before we start this process? Why are we starting this process before every Member has had the opportunity to read and examine this important conference report—so we make sure it is exactly what we expect it to be?

I will tell you why, Madam Speaker. Because the Republican leadership did not finish writing the conference report before they filed this martial law rule. They are rushing through this process when they should be doing this carefully and deliberately. Madam Speaker, we should follow the rules of this House. Let every Member read the conference report before we vote on it.

Madam Speaker, there is an arrogance in this House that permeates from the top down. It is an arrogance that flaunts the committee process and thumbs its nose at the 431 Members of Congress who do not happen to be part of the Republican leadership. This arrogant attitude has reached a point that it is now common practice for major pieces of legislation to be written behind closed doors by just a handful of Members of the Republican leadership and then shoved down the throats of this body.

This is not just election-year rhetoric. Let us look at the evidence. The energy bill was written in the back rooms of the Capitol and the White House to benefit big energy companies and wealthy corporate contributors. It was introduced with little time to examine the bill and then forced through this institution by a heavy-handed leadership.

The Medicare prescription drug bill was written by a handful of Republican Members of the House for the benefit of HMOs and the big drug industry. It was brought to the floor of this distinguished body in the dead of night and the vote was held open for over 3 hours while the Republican leadership did everything it could to twist arms to their breaking point in order to win the vote.

The bill to enact the recommendations of the 9/11 Commission, a bill that should be among the most bipartisan bills considered in this Congress, was written in the Speaker's office. The 9/11 Commission held public hearings. The other body developed bipartisan legislation and openly debated their version on the floor this last week, yet the Republican leadership here in the House decided it was in their best interest to secretly craft this bill behind closed doors.

Important provisions that are approved by a bipartisan majority of this House and with recorded votes in this body are routinely stripped away behind closed doors. How many times, Madam Speaker, has this body voted in favor of amendments to close tax loopholes that benefit the Benedict Arnold companies that open up a post office box overseas so they can avoid paying taxes here in the United States? How many times has this body voted to allow the reimportation of prescription drugs from Canada only to have the Republican leadership kill these bills in the dead of night when no one is looking?

Instead of fostering debate and Democratic action, the Republican leadership has turned the rules of this House from a tool to guarantee orderly democratic process into a weapon that quashes informed democratic debate. It

is indeed, in every sense of the word, a disgrace.

Madam Speaker, we all know the United States is the greatest democracy in history, and this House is a great and noble institution. But it is the people's House, not the leadership's House, and the Republican leadership should treat it as such.

Madam Speaker, I urge my colleagues to consider carefully their rights when they vote on this martial law rule. Members have the right to know and understand exactly what we will be debating and voting on, and in this case, I believe few of us will enjoy that right.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

I can see, just listening to the observations of the gentleman from Massachusetts that maybe he and I should go and observe the conferees, because what I just heard is not what I am hearing from some of the majority members of the conferees. I understand that all the provisions that were considered by the conferees either were in the House side or in the Senate side of the bill, so that both those versions were what they worked on. There are absolutely no new versions.

My understanding is there was a motion to instruct which failed that called for an open session, and yet the conferees that wanted that, got what they wanted. We had an open session on Monday and Tuesday and Wednesday of this week.

I also understand the Senate finance rules of the other body seemed to be what was happening, where members of the conference committee were able to submit amendments that they wanted in the Chair's markup of what they wanted to do, and there were just numerous expressions of what they were based on conferees doing that.

I also understand that ranking members and other members of the Committee on Ways and Means, which has jurisdiction, participated as conferees in this. So there has certainly been an open process.

Madam Speaker, this has been around a long time. We knew that FSC-ETI, based on the WTO sanctions would require us to move forward. We have had ample debate and passage of legislation here. It has occurred in the other body. As the conferees has met, we have seen them work through an open process that seems to be acceptable to the conferees in the submission of amendments, in the Chair's mark on those, and in the completing of our work.

Madam Speaker, there are no new versions of anything. It is either in the other body's bill or it is in the House bill that they have worked on. So I think that as we look, at a sense, in a bipartisan fashion, to see if we can continue to work hard this week and, if we can, complete our work, that we would be able to return to our districts, that we are moving there.

I understand, at least from the other body, that there is bipartisan support from the conferees on this legislation as it continues through the day.

Madam Speaker, I reserve the balance of my day.

Mr. MCGOVERN. Madam Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member on the Committee on Ways and Means and a conferee.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Madam Speaker, I think most New York Members in the Congress probably have more self-esteem than we need in order to negotiate ourselves around this Congress, but my friend from upper New York is really better than all of us because he is telling us what is involved in a 600-page bill that has just been filed 5 minutes ago. Now that is extraordinary.

What is not extraordinary is that the leadership on the Republican side are using an extraordinary provision to avoid the rules, which only say that the Members of Congress ought to know what the gentleman from New York knows. He knows everything that is in the bill. Members of the Congress ought to know what is in the bill. They should understand the feeling of fishing tackles, and bows and arrows, and tax credits for animal manures. They should be able to understand how you are taking away charitable contribution, how we are converting the collection of taxes from the Internal Revenue Service to private corporations. They should understand that we are putting $42 billion in tax credits to allow our jobs to be exported overseas, which is something that we were trying so desperately hard not to do.

Martial law? How would the people understand what we are doing here? What are we rushing off to do? The bill costs $140 billion. They will come and say to us that it is paid for. Well, how are we to argue that if we do not have a bill to see how you pay for it? And the truth of the matter is, they call it paid for, but it is called phase-ins, it is called delaying the time it comes into operation, it is called sunsetting. There are so many things in this bill that, if they were so proud of it, they should let us know.

□ 1215

He called the bill FSC. FSC is a short-term expression of foreign service corporations in which we have been alleged by the World Trade Organization that we give some $70 billion in tax subsidies to exporters. What does it really mean? We could have really made ourselves look good in the eyes of the world by adding the $70 billion and, if we wanted, give a cut. Instead, we spend twice that much for items that are so unrelated to the bill in front of us. The bill is so bad that the Secretary Treasurer condemned the bill in a letter that he sent to my chairman, BILL THOMAS, saying it has taken care of everything else except the tax issues that the bill was there before us.

We have everybody here telling us that this thing is so important. I stand to be corrected because the gentleman from New York is far more a genius than I thought. I thought the bill was filed. He now understands bills that are not filed. And he is asking us to please inherit the genius he has to be prepared to vote on a $600 billion bill. This is $146 billion and then you take the $140 billion that we borrowed before, we would have a $286 billion bill that we borrowed the money for so that we could give it back to the corporations. It may sound good on the eve of an election.

If I understand this procedure correctly, we have to have martial law to avoid having 3 days for Members of Congress, who are not as smart as the proponent of avoiding the rule, to be able in 1 hour to vote on this bill. That is so truly unfair, not to Democrats, but to Democrats and Republicans.

It could be in the speed to go home and not to fulfill our responsibility that one taxpayer, one old lady, one young person that may just want to know what his future is going to be with the deficits the Republicans are leaving on them, what did you vote for? I have been in conference. We voted on bundles of amendments, 15 of them with one vote. We wiped them out. Was it open? Yes. But crimes are sometimes committed in the open. It is not all done in the darkness of night.

But at the end of the day, conferees are asking me, What finally ended up in conference? Because we do not know. Nobody in the House of Representatives today will know why we needed martial law, what is in this $600 billion borrowed bill, if you combine it with the other preelection tax cut; and we should have at least time, no matter how badly Republicans need to go home, especially to stop the rumors about the draft, but that is another subject; but you have to get home for whatever reason. But you should really give Members of Congress, new Members, older Members, time enough to know what is in the bill.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

I think it is important that while the debate may go wherever it is that is germane to debate, that what I have come to this floor to do as a member of the Committee on Rules is to bring forth consideration of a same-day rule of legislation as it is filed for consideration today.

I outlined in my opening remarks that there is that opportunity that as we pass this rule, if it is passed today, which I believe it will be, that it affords us the opportunity to consider a rule later of a conference report on the American Jobs Creation Act conference

report. As I understand it, the legislation has been circulated to the conferees in final stead and that in a bipartisan aspect, at least in the other body, we have a number of Democratic Senators who have already signed and a number of Republicans. I cannot speak for what they are in this body.

But I know in regular order that as the legislation is filed, it will come up on the Ways and Means Web site, and it will again allow everyone to review it. And I know that before this legislation can come to the floor of this great body, it will require a Rules Committee meeting to also have a hearing which affords an ample opportunity for Rules members to listen and for those who choose to come up to the Rules Committee an opportunity to explain or answer questions on the legislation. And then we will have an hour debate on the rule, and then we will have whatever time the Rules Committee determines the debate will be on the conference report.

And so we certainly are not looking at the discussion we are having today, while it brings healthy debate on the floor of the House of Representatives, that this is a final act of anything. It is an opportunity to engage in the same-day consideration of the American Jobs Creation Act conference report which has been out there.

I understand that documents are now available on the Ways and Means Web site. That would mean not only all the Members in this body today but throughout our great institution can now see this legislation. To my knowledge, I do not have a time that Rules will convene, so I know we are not rushing it right after consideration of this legislation.

I urge my colleagues to begin to once again look at some facts: that there has been an open process of the conferees, even though a motion was defeated to instruct relative to open session, there has been one, on Monday and Tuesday and Wednesday of this week, of conferees; that a model of the Senate Finance markup submitted amendments as conferees saw fit and the chairman's mark came from a result of that. We know that there has been a bipartisan signing of the conference report in the other body. We know that there has been certainly signing of at least majority Members in this body and that all this rule does is give us the opportunity to continue moving to get our work done and to level the playing field on the WTO sanctions which will mean jobs for Americans as that comes about.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Let me just say to my friend from New York a couple of things. He began his opening statement talking in great detail about all the things that are in this legislation. Yet we have learned that it has not been filed. So until it is filed, we do not have the final product. He has now told us that it is on the Web page, documents are on the Web page that were made available about 3 minutes ago. I guess we should be grateful for that.

Let me ask the gentleman, is that supposed to replace the 3-day layover that conference reports are supposed to have under the rules of this House? That is the rules of this House, that we are supposed to have 3 days to look at this stuff. Instead, we do not have a bill that is filed; but we are told, be happy, don't worry, because there is all kinds of things coming over on people's Web pages and that is supposed to suffice.

What has us on this side frustrated is that you do not follow the rules. The leadership of this House on a regular basis breaks the rules. What we are simply saying is on a bill of this significance and a bill that has a whole bunch of goodies that have been added on, that you should follow the rules so that everybody in this House, not just a few select groups of the elite in the leadership, but there are 435 Members of this House, and every one of them is entitled to know what they are voting on before they go to vote.

Madam Speaker, I yield 3 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Madam Speaker, today's martial law bill is necessary because we need to pass this Republican tax bill which is a cookie jar of tax cuts for corporate interests.

The bill contains goodies for the restaurant association, the ethanol producers, the big timber companies. It provides sweets for those who have enough money to own their own corporate jets. It even dishes out rewards to the railroads like Treasury Secretary Snow's former company, CSX.

What is appalling, Madam Speaker, is not that the bill provides goodies for U.S. firms. The Republican Congress does that all the time. What is appalling is that most of the cookies here in the jar are U.S. companies that take their profits and their operations and American jobs overseas. This is an overseas cookie jar.

Some of the biggest winners in this jar are multinational corporations. There is a cookie here for big oil and a cookie here for big tobacco and a cookie here for the alcoholic beverage industry and a cookie for the pharmaceutical industry. Imagine that. They have been doing so badly, you know.

These companies enjoy record profits. Oil is $52 a barrel today. American consumers are getting gouged. But instead of passing an excess profits tax, this Congress is going to give the oil companies another tax break. No wonder ExxonMobil's stock is now up 30 percent. If you sniff real carefully, you can see why Wall Street can smell these cookies. They have been hanging around in the halls up above my office for the last couple of days. This bill is going to raise taxes on America's biggest exporters and lower taxes for businesses that go offshore. For those firms that move offshore, we are going to give you some cookies.

Republicans think that passage of this bill the day before the President's debate on domestic issues with Mr. KERRY will somehow either get lost in that or will be used in it about how I gave big tax breaks to the companies. I do not know what they are going to do with it, but they have got something planned for tomorrow. It did not come up today under martial law because they had not planned it for 6 months.

Now, come the 2nd of November, Madam Speaker, this Congress is going to learn that that is not how the cookies crumble. I urge my colleagues to vote against this rule and against the conference agreement and get the special interests' grubby hands out of their cookie jar. If you did not get a cookie in your area, you can have one from my jar. Just come on over and get it.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

I am not so sure my colleague has read the whole bill, though I realize it has just been on the Web site a short time. But as I listened to some of his description, he did not really talk about the fact that small business, that this bill extends and enhances section 179 of expensing for 2 additional years so small businesses can write off the cost of their investments up to $100,000 annually. I have been a small businessman. I know how big debt is. Maybe some others that have not had that opportunity do not really know how important that is to small business. Partnerships and S corporations receive a deduction for domestic production activities. It offers S corporations 10 reforms providing $1.2 billion in tax relief. It provides for faster depreciation on leasehold and restaurant improvements.

I come from some communities that they do not have chains in there. That is a small businessman on Main Street that is looking for a little expensing, an opportunity to have their building and a leasehold written off a little faster. Sometimes it gets lost in my great State of New York, the number one industry is agriculture like it is in many of my colleagues', but the deduction for domestic production activities is extended to farmers as well as to agricultural and horticultural cooperatives.

The bill provides for AMT relief for farmers and fishermen who income average. It extends an ethanol subsidy under current law through 2010, thus improving farmers' incomes. It extends double tax and triple taxation on farmer cooperatives. It provides capital gains relief when livestock is sold and replaced on account of drought or other weather-related disasters. It extends capital gains treatment to outright sales of timber.

When we look at our domestic manufacturers, the bill provides manufacturing companies, farms, and small businesses with $76.5 billion in stimulative tax relief through a deduction for income attributed for production activities in the United States. More tax relief is provided for business with proportionately more U.S. production operations. The deduction is available for domestic production activities only. The deduction is limited to 50 percent of wages paid to workers in America. The bill does not move jobs overseas.

I want to also cite to my colleagues, particularly those from the States of Washington, Nevada, Wyoming, South Dakota, Texas, Alaska, and Florida that I know of, you can deduct your sales tax if you do not have income tax like the gentleman from New York (Mr. RANGEL) and my great State has to pay. I look forward to the consideration of this body for a same-day rule which is all this is right now.

□ 1230

It is an opportunity to continue the debate and the rule later today, if the Committee on Rules grants one, and for debate on the floor of all the Members as we look at this legislation. Again, I want to remind my colleagues that I have been informed, and they can verify as they go to the Committee on Ways and Means website themselves, nothing was considered in the conference report other than provisions that were in this body's legislation or the other body's legislation and that we have received bipartisan support on conferees' signing the conference report as it comes to this great body for its consideration.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I just want to pay a compliment to my colleague from New York, with whom I am on the Committee on Rules, for his eloquence in describing all the great things that are in the bill that has not been filed and nobody has read yet. I am looking at my watch, and it is almost 12:30, and the bill has not been filed. I would hold my breath, but I am afraid I would die waiting for this bill to be filed.

I am on the Committee on Rules, and we are supposed to meet on this later today. We have not gotten a copy of the bill. We do not even know when we are going to meet. This is not the way this process is supposed to work. And while I have nothing but the greatest respect for the gentleman from New York and I want to believe everything he says, that everything is great and there is nothing bad or sinister about this bill, I have learned long ago that I need to verify everything here. Every Member of this House has an obligation to know what they are voting on. And again, they have undermined this process, which I think does a great disservice not only to the Members of this House but to the people we represent.

Madam Speaker, I yield 4 minutes to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank the gentleman for yielding me this time.

The FSC conference report is the wrong solution for America's manufacturing sector. This stack of fliers and literally hundreds of others was given to me by a group of people, the Akron machine shop operators in Akron, Ohio. They represent literally thousands of manufacturing companies in this country going out of business. ''Complete Liquidation,'' Dover, Ohio; ''Something for Everyone,'' Piqua, Ohio; another going out of business, Pettisville, Ohio; Independence, Ohio; Tallmadge, Ohio. All of these represent companies that are cannibalizing themselves, that are selling their equipment, that are going out of business, that simply are closing their doors and laying off American workers.

Ohio, my State, has lost 170,000 manufacturing jobs under President Bush. The Nation has lost 2.7 million jobs. It is not ancient history. It is currently reality. In my State in August, Ohio lost 4,000 more manufacturing jobs. During the Bush administration, one out of six manufacturing jobs in Ohio has disappeared, one out of six; 150 jobs every day in my State alone have disappeared during the Bush administration. President Bush will be the first President since Herbert Hoover to have a net loss of jobs during his administration. And all of these tax bills that the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. REYNOLDS) bring in front of this body, they have promised, President Bush promised, 6 million new jobs in this country. So far, we are 7 million short of that 6 million job goal.

President Bush, during the Republican convention, during his speech that all the pundits said was tough because the President stood there strong, mentioned the word ''jobs'' once, one time; he also did not mention Osama bin Laden at all. But he mentioned the word ''jobs'' once during that speech.

My mom taught me, if I am going to stand up and criticize, I ought to have something to say in its place; I ought to suggest something else. There is a bill that offers hope to small manufacturers, that will help States like Ohio and Michigan and New York rebuild their manufacturing base. The bipartisan Crane-Rangel bill that the gentleman from New York (Mr. RANGEL) worked on would reward companies that produce in America and employ U.S. workers. If they do 100 percent of their production in the U.S., they get 100 percent of the tax benefits. It was endorsed by the Manufacturers Association, by the AFL/CIO. It helps also proprietorships and partnerships. It is budget-neutral, adding nothing to the national debt. If has 170 cosponsors, roughly even number of Republicans and Democrats.

Let me be clear to my Republican friends, if they cosponsored Crane-Rangel and they turn around and vote for this conference report, they are selling out America's small manufacturers and they are selling out our communities. If they turn around and vote for this special interest bill instead of the bipartisan Crane-Rangel bill, they are selling out American manufacturing and selling out American jobs because the conference report takes us in the exact opposite direction.

Instead of rewarding investment in America, this conference bill continues to encourage giant multinationals to ship more jobs overseas. Instead of supporting the small business community, the conference bill rewards special interests, friends of particular Members of Congress, as the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Washington (Mr. MCDERMOTT) and the gentleman from New York (Mr. RANGEL) pointed out. Instead of using honest policy to reach budget neutrality, it fudges the numbers to hide its multibillion dollar cost to American taxpayers. So not only is this a special interest bill that is going to undercut jobs today, it is also going to load even more debt on our children and grandchildren. It is the wrong direction to take the country. It is more of the failed economic policies we have seen out of this Congress and out of this President. It is time we change direction and help rebuild U.S. manufacturing.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

I just listened, and I realize that a couple things need to come about, and that is that, months and months ago; it reinforces my original statements that we have had ample time as we have been debating this throughout the summer; there was a Crane-Rangel piece of legislation. There was a Thomas piece of legislation, and now there is an American Jobs Creation Act of 2004. I just want to remind the gentleman from Ohio, the previous speaker, that my understanding is the gentleman from Illinois (Mr. CRANE), who is the number two in seniority man and an individual who had authored legislation previously, has signed this conference report. If the gentleman were still in the Chambers, he would know that my previous remarks talked about the fact that this is all about small business and small manufacturing and farmers as we look at expensing vital everyday assistance to our small businesses, our small manufacturers and our farmers. And that is what this bill has got in it.

I want to remind my colleagues, as all the hysteria comes out here on the question of what it does to the federal deficit, again, I will put on the RECORD that the conference agreement is revenue-neutral. It does not increase the federal deficit. The manufacturing firms and the farms and the small businesses receive $76.5 billion in stimulative tax relief through a deduction, not a corporate rate cut, and tax relief is

provided for all these businesses and farmers and small manufacturers and co-ops, subcorporations, and other unincorporated businesses. It is all about helping America's small businesses. It is all about helping businesses compete fair and globally across the globe.

So, again, I want to remind my colleagues that this is a rule to consider a same-day legislation under the rules' permission for later today. I want to remind my colleagues that it is available on the Committee on Ways and Means' website, and I look forward to later in the day that we might have an opportunity to move forward on this legislation, that, again, I will remind them has bipartisan support and has had a fair and open process as conferees have moved forward with legislation, as I have repeatedly said.

Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. THOMAS), the chairman of the prestigious Committee on Ways and Means.

Mr. THOMAS. Madam Speaker, I thank the gentleman for yielding me this time.

I could not help but hear some of the discussion, which is obviously tied to the underlying matters rather than the question of a same-day rule. And the argument that someone has not seen it, I find it ironic that this particular conference, the first conference in my memory, was held entirely with the public permitted complete access, televised over the internal television structure for the entire time of the conference. There were no separate conference meetings. All of the conference meetings were public.

As the gentleman from New York said, the Committee on Ways and Means' website is now available. We have just filed a conference report, and under the rules, hard copies are required and hard copies are available.

The one point I want to make is, the constant and the only word that comes to mind is ''harping,'' the constant harping about the fact that we are not bipartisan. Bipartisanship is a two-way street. The Senate had 23 Senators on this conference. Twelve of them were Republicans. Ten of them were Democrats. And one was an Independent. Of the 12 Republicans, 11 supported the conference; i.e., they signed the conference report. Of the ten Democrats, six supported the conference report, including, I might tell the Members, the minority leader of the United States Senate and the ranking Democrat on the Senate Finance Committee. The Independent member on the Senate side chose to pass. So 17 of the 23 Senate conferees, a majority of both the Republican and the Democrat conferees, support the conference report.

Now let us take a look at the House side. Submitted for the entire House were three Republicans from the Committee on Ways and Means and the majority leader and two Democrats. For the Committee on Agriculture, two Republicans and one Democrat. For the Committee on Energy and Commerce, three Republicans and one Democrat. For the Committee on Education and the Workforce, two Republicans and one Democrat. And for the Committee on the Judiciary, two Republicans and one Democrat.

The four Republicans from the Committee on Ways and Means and the majority leader supported the conference report. None of the Democrats supported the conference report. From the Committee on Agriculture, two Republicans supported it, and the Democrat supported the conference report. From the Committee on Energy and Commerce, the three Republicans supported the conference report; the Democrat did not. From the Committee on Education and the Workforce, the Republicans supported it; the Democrat did not. The Committee on the Judiciary, one of the two Republicans supported it; the Democrat did not.

When we look at what the House does, it is not bipartisan because the people who were appointed by the gentlewoman from California (Ms. PELOSI) and the Democrats do not want to be bipartisan. They are the hardnosed partisans. If, in fact, the House would appoint people who want to come to a reasonable resolution, as the Senate does, it would be bipartisan in the Senate and bipartisan in the House.

I chaired that conference to produce a bipartisan conference. The only group that did not seem to want to be bipartisan is the same group that argues we ought to be bipartisan over and over and over again, and as one might guess, they are the partisans.

I thank the gentleman for yielding me this time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair would like to remind all Members that while a Member may reference those Senators who signed a conference report that has been filed, it is a violation of rule XVII to characterize the position of the Senate or individual Senators.

Mr. MCGOVERN. Madam Speaker, I yield 30 seconds to the distinguished gentleman from New York (Mr. RANGEL), a member of the Committee on Ways and Means.

Mr. RANGEL. Madam Speaker, I rise to compliment the distinguished chairman of the Committee on Ways and Means, indeed of the conference, for his eloquent remarks on the subject of partisanship and this Congress and assure him that, in the next Congress, I hope that the Democratic majority would be able to be more bipartisan.

□ 1245

The question I thought was on the floor was not of being partisan, but the question of why are you suspending the rules of this House bringing in marshal law for a 600-page bill that is so complex that lawyers around the country are going to call it the lawyers' welfare bill?

Mr. REYNOLDS. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I want to thank the distinguished chairman of the Committee on Ways and Means for finally filing the bill. I am glad somebody is listening to us and has been responsive. But the fact of the matter is, and I will say this again, the rules of this House matter, at least they are supposed to, and we are supposed to have 3 days to review conference reports, the final product.

In the good old days, the gentleman from New York (Mr. RANGEL) will tell you, the conference reports routinely laid over for 3 days. People had a chance to read them. Members of both sides of the aisle had a chance to read them.

The fact is that the Republican leadership continues to ignore and to violate and to break the rules of this House, and no matter how you try to sugarcoat it and change the subject, the facts are the facts.

Madam Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Madam Speaker, I want to spend just 30 seconds on process. It has been covered well.

If I can lift this bill, here it is. No speed reader can read this, I would say to the gentleman from New York (Mr. REYNOLDS), nobody.

On partisanship, this bill was handled in this House without a stitch of effort at bipartisanship. The two of us who were conferees and our Democratic colleagues on the Committee on Ways and Means never had a chance to participate in the creation of the House bill.

I want to talk about the substance. This is a $5 billion problem with a solution that is three times that in terms of the 10 year result. Five times ten is 50. This bill is $150 billion.

Who are going to be the main beneficiaries? Not the workers who are going to lose their overtime, because the House Republicans stripped the overtime provision that had been passed by the Senate, stripped it on a partisan basis. Not the kids who are going to end up smoking and the families who will also suffer with them. Why? Because the House Republicans stripped the FDA provision out of this bill that was part of the Senate bill. And not the workers in communities who are going to lose because of jobs going overseas.

I want to say a word to the gentleman from New York about some of the provisions he mentioned. Small business, the sales tax provision, these are sunsetted. It is dishonest budgeting, because we know they will not be sunsetted, and when you take all the sunsets out, the bill is really not revenue-neutral; there is an $80 billion deficit.

Madam Speaker, this continues to the pattern of Republicans talking one

way and acting another. I think you can call it flip-flopping.

Let me read the letter from Secretary Snow that the gentleman from New York (Mr. RANGEL) referred to. This is his letter a couple days ago: ''The administration believes a conference report to replace FSC-ETI should be budget neutral. Both the House and Senate-passed bill include a myriad of special interest tax provisions that benefit few taxpayers and increase the complexity of the Tax Code. Legislation taking up more than 1,000 pages of statutory language or even 400 pages goes far beyond the bill's core objective of replacing the FSC-ETI tax provisions with broadbased tax relief that is WTO compliant. The administration will work with the conferees to eliminate these narrowly-crafted provisions.''

Madam Speaker, that has not happened. The administration essentially has flip-flopped, has caved in. So all of these special interest provisions that have been mentioned have stayed in—for railroads, for shipbuilders, for bow-and-arrow manufacturers, for importers of Chinese ceiling fans, for the horse- and dog-racing industries.

Madam Speaker, we could have done better. We needed to replace FSC with a bill that the four of us introduced relating to manufacturing. Instead, we have this huge monstrosity of a bill. We should go back to the original purpose.

I urge we turn down this provision here of martial law and then turn down the rule and then turn down the conference report, and come back quickly and do the work that is necessary to preserve manufacturing in the United States of America.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I took a look at that 12-inch set of legislation, and I just want to alert my colleagues, because it is on the Committee on Ways and Means Web site. If you go to waysandmeans.house.gov and take a look and see what is new and look for the conference documents, you are going to find that. So you do not have to carry that anywhere; it is going to be right on your computer, right in your office.

For those who are looking for some specific things, I urge them to consider the Adobe Acrobat so they can word search anything they are interested in.

But, as I said earlier, and I am sure the gentleman did not hear my predecessor speaking, I come from a small-business world. I took a look to see what small business said.

Over 250 companies and organizations have supported this legislation as this body considered it. So you get the U.S. Chamber of Commerce, the National Association of Manufacturing or the Business Roundtable. But we get right down into main street and that village of USA when NFIB and the other small businesses talk about how important expensing and other opportunities that are in this legislation to be considered are.

But I cannot let someone address the fact that the Republican majority is not interested in tax simplification. Quite frankly, it is the opposite. We have been resolute in our commitment to small business, to farmers, to manufacturers and just plain old tax simplification. Not only by action in the House, but in this election season across America, I have heard it time and time again by my Republican colleagues as they talk about the push and the resolute objective of having tax simplification here in the United States Tax Code.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, what I object to is the fact that the Republican leadership does not want to follow the rules of this House.

Madam speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman for yielding me time, and I thank the ranking member and everyone who believes they come from certain communities.

I come from a small-business community, and I remember, just a few weeks ago, standing with my bipartisan colleagues on the single focus that is crucial for a State like Texas, and that is the ability to deduct our sales tax in Federal income tax filings.

Madam Speaker, I enthusiastically support that, but in flipping through this bill, it is a maze, and it is almost impossible to determine where that provision is. If there was a freestanding response to the small-business community and a freestanding response on the sales tax, we would have bipartisan unity.

I stood alongside of a bipartisan House and supported tax child credits for Americans and the marriage penalty relief for Americans, but the question to my colleagues is, how are you going to pay for it? And let me tell those who will vote for it, this relief on sales tax is only a 2-year relief. What family can plan their income, can plan their future, knowing that they can only deduct sales tax for 2 years. I wish we could have had a clean vote on this single relief for small businesses and working families.

So I would simply argue, if someone can give to me the reason why we could not go in a bipartisan manner on giving relief to those who are suffering under the burden of sales tax and cannot deduct them, why you could not do that without the enormous loopholes, the overburden of taxation, and when I say overburden of taxation, the ability to give others the ability not to pay taxes?

Let me remind my colleagues on this marshal law, we are paying $5 billion a month in Iraq, and I understand $1 billion a month in Afghanistan, and we do not know where it is going to end. There have to be choices in this House.

We are about to debate homeland security, and I expect that that is going to be a mighty penny, no matter how much and what we ultimately pass, unfortunately, not with the kind of consensus we need. I argue, tell me, where are we giving relief to our families in Texas? I will give further consideration to this bill, however, I believe further deliberation is necessary. I want most of all to give relief to the working families and small business tax payers of Texas. My constituents really need this relief.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from Massachusetts (Mr. MCGOVERN) has 2 minutes remaining and the gentleman from New York (Mr. REYNOLDS) has 7 minutes remaining.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Madam Speaker, this is bad procedure to adopt bad tax policy. I want to get parochial and address my fellow southern Californians. This bill shafts southern California.

Take a look at Roll Call. ''Studios Take a Hit in the Tax Bill.'' The article explains how America's number-one exporter, how the underpinning of our southern California economy, gets shafted in this bill. It quotes Mr. FOLEY by saying, ''I am sure it is not entirely based on the fact that the motion picture industry hired Dan Glickman.'' Well, it is substantially based on that.

The article goes on to say that the bill neglects our number-one exporter, even though it is supposed to be an export-promotion bill, because of the hiring of Glickman. It quotes a lobbyist as saying, ''No Republican will fight for the movie industry.''

My fellow southern Californians, prove them wrong. Vote against the martial law rule, vote against the rule and vote against the bill. This is not just a shafting of southern California; it is the entry of corruption into the congressional process. It is a corrupt shafting of southern California.

Mr. REYNOLDS. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, to close, I yield 1 minute to the distinguished gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means and also a conferee.

Mr. RANGEL. Madam Speaker, I thank the gentleman so much for giving me this opportunity to close, and I suggest to my colleagues that they vote against this marshal law. Marshal law means there is an emergency, that we have to get this bill on the floor. It does not mean that you take a complex 600-page tax bill and tell the Members, ''go to the Web site.''

Believe it or not, this is not a partisan thing, because I would be on this floor to protect the jurisdiction of the Committee on Rules if we were in the majority. You keep cutting away from the responsibilities of the committees and the subcommittees, and especially the Committee on Rules.

The Committee on Rules, they are the traffic cops. They are supposed to have an equitable distribution of the time and allow for Members to know what they are going to debate. If you do not have a bill filed, if you do not know what is going to be in front of you, you are caught in the embarrassing position of saying, I do not know.

Go to the Website? How can you go to the Website and be on the floor? How can you ask the Website a question? You are supposed to want to pull up this Tax Code, which we got today, by the roots. Instead, you bring 600 pages of fertilizer and make it more complicated.

This is not simplification. People may ask you what is in the bill. I want to give you a chance.

Mr. REYNOLDS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we certainly know that the legislative calendar for this year was set to complete our work on October 1. We are now here on October 7 and working to get our work done. And it is my hope that we continue on the 9/11 debate today and other important matters pending.

It is also my hope that we are able to consider the legislation dealing with the American Jobs Act of 2004.

□ 1300

We know that since this last hour, that we are asking the body to consider a same-day rule so that we can consider the legislation if and when the Committee on Rules meets and sends to this floor a rule for consideration of the underlying legislation. We know that the gentleman from California (Chairman THOMAS) has personally come and filed the report for the conference report before this body, and we have seen in the last hour both what the bill looks like, with some 1,300 pages and 12, 13 inches thick, and we heard me previously say that the Committee on Ways and Means Web site address, waysandmeans.house.gov, if you go to ''What's New'' and you look for conference documents, you will find the conference report, which is bipartisanly signed, in its entirety. And, if you want, the Adobe Acrobat has the word search so that you can find anything you are interested in finding.

This legislation has been around for a while. Again, I will repeat myself, as I have several times in this debate: It has nothing in it within the provisions that was not considered in this body or the other body by as the conferees came together. It was an open conference, even though the motion to instruct was defeated, and we followed the Senate rules whereby members of the conference could file numerous and countless amendments, which were considered, and we now have a final word product.

I know the debate on the floor, as we get through this, either today or this early evening or if it ends up tomorrow, will have all sorts of interpretations. We will get down to the fact that it is going to help American business, and that includes small business, farmers, and small manufacturers.

The Republican leadership and the Committee on Rules has met. They are not acting against the rules of this House. Quite frankly, we have asked for consideration of the body by majority vote to determine if we can have a same-day consideration, and that is what is going to happen as we have a vote here shortly.

Mr. Speaker, I move the previous question on the resolution, which is same-day consideration of the legislation before us, and I yield back the balance of time.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. THOMAS (during consideration of H. Res. 828) submitted the following conference report and statement on the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad:

PROVIDING FOR CONSIDERATION OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 827 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 827

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed three hours and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 4, 2004. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. Upon passage of H.R. 10 and receipt of a message from the Senate transmitting S. 2845: (a) the House shall be considered to have: taken from the Speaker's table S. 2845; stricken all after the enacting clause of such bill and inserted in lieu thereof the provisions of H.R. 10, as passed by the House; passed the Senate bill as so amended; and insisted on its amendment and requested a conference with the Senate thereon; and (b) the Speaker may appoint conferees on S. 2845 and the House amendment thereto at any time.

Sec. 3. The motion to instruct conferees otherwise in order pending the appointment

of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after passage of H.R. 10.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair and structured rule providing for consideration of H.R. 10, the 9/11 Recommendations Implementation Act. H. Res. 827 makes in order 23 amendments, including an amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ).

The rule before the House today will provide for a thorough debate on this Nation's vision for the reform and improvement of our intelligence operations. Specifically, this rule provides for 3 hours and 40 minutes of general debate allocated between the chairman and ranking minority members of eight separate committees.

H. Res. 827 waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute consisting of the text of the Committee on Rules print dated October 4, 2004 be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute consisting of the text of the Committee on Rules print.

H. Res. 827 makes in order only those further amendments which are printed in the Committee on Rules report accompanying the resolution.

The rule provides that amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

H. Res. 827 waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

In addition, this rule provides that upon passage of H.R. 10, the Senate transmittal of S. 2845, the House shall be considered to have taken from the Speaker's table S. 2845, stricken all after the enacting clause of such bill and inserted the provisions of H.R. 10 as passed by the House.

Finally, the rule provides that House shall be considered to have passed the Senate bill as so amended, and insisted on its amendment and requested a conference with the Senate. The Speaker may appoint conferees on S. 2845 and the House amendment at any time. This provision provides for the expeditious movement of the bill upon passage to the next stage of the legislative process, which is a House-Senate conference.

The rule also provides that the motion to instruct conferees shall be in order only at a time designated by the Speaker and the legislative schedule within 2 additional legislative days after the passage of H.R. 10. This provision is intended to protect and ensure the minority's right to offer a motion to instruct conferees.

Mr. Speaker, 3 years have passed since that beautiful September day was shattered by terrorists who despise the thought of a Nation that allows its people the freedom to live and worship as they choose. I agree with President Bush that ''the terrorists are offended not merely by our policies, they are offended by our existence as free nations.''

Since that day, our Nation has fought this war on multiple fronts: diplomatic, financial, investigative, homeland security, humanitarian, and militarily. We have also committed to improving our intelligence operations. After the House and Senate passed the Intelligence Authorization bill last Congress, the President signed the bill into law, establishing the National Commission on Terrorist Attacks on the United States. Its goal was to prepare a complete account of the events surrounding the September 11 attacks. Recently, the Commission submitted recommendations to Congress citing the need for reforms of our intelligence and homeland security systems.

I am pleased that this bipartisan group was able to come through to a thorough conclusion on what went wrong prior to September 11 and what must be done to ensure that those heinous acts never occur again.

Proactive steps have already been taken during the month of August when Congress traditionally recesses to conduct work in our respective districts across the country, Members were called back to participate in no less than 20 committee hearings on the Commission's report. I joined my colleagues in a hearing of the House Select Committee on Homeland Security where we were able to listen to the testimony of Commission Chairman Tom Kean and Vice Chairman Lee Hamilton.

President Bush has outlined a strategy for sweeping reform of our security and intelligence operations in his continuing efforts to keep our Nation safe from those who wish to do harm to our citizens. Today, the House continues its efforts to move forward to make the substantive changes that will inevitably help better protect the citizens of this country. The House is committed to doing everything in its power to enact a plan that reflects the full scope of the Commission's intelligence and homeland security recommendations.

This wide-ranging bill reforms and integrates our intelligence capacity by establishing a National Intelligence Director to serve as the head of the intelligence community, a National Intelligence Council, and an Intelligence Community Information Technology Officer to assist in implementation of an integrated information technology network.

The bill focuses on effective information-sharing, because we know that prior to September 11, the sharing of intelligence in the Federal Government was inadequate. This bill ensures the sharing of and access to information within our intelligence community with a particular emphasis placed on detection, prevention, and the disruption of potential terrorist attacks.

Mr. Speaker, H.R. 10 focuses on terrorist prevention by authorizing Federal officials to target ''lone wolf'' terrorists, targeting money laundering and terrorist financing, and enhancing airline security through improved passenger pre-screening, and training all Federal law enforcement officers with in-flight counterterrorism procedures.

This bill effectively restructures the government by strengthening the Federal Bureau of Investigation through recruitment and retention, streamlining our Nation's current security clearance procedures by eliminating duplicative processes and, finally, improving efficiency by expediting the processes that direct resources to first responders where they are most needed.

In addition, in response to the Commission's detailed report on problems such as border security, information-sharing, and immigration enforcement, this comprehensive bill tackles these challenging issues and enhances the reforms that have been put in place since September 11.

Mr. Speaker, this is a fair and balanced rule for a bill that is critical to improving our current security and intelligence operations. I urge support for the rule and for the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, at the end of the last Congress, after great pressure from the families of the victims of the terrorist attacks against the United States, this institution took a positive step in fighting the war on terror by creating the 9/11 Commission. The Commission was charged with the responsibility to investigate the reasons why that horrible day happened and to recommend ways to ensure that it could never happen again.

The Commission, ably chaired by Governor Kean of New Jersey and our former colleague, Lee Hamilton of Indiana, conducted a truly nonpartisan,

exhaustive, and introspective investigation of the events leading up to September 11, 2001.

□ 1315

Their report is chilling. It provides ample evidence of missed opportunities, failures of communication, and the inability of our intelligence agencies to fully examine and understand the threats against the United States.

As a result of these failures, the al Qaeda network and Osama bin Laden have been able to launch attacks against the United States in Saudi Arabia, Kenya, Tanzania, and Yemen in the years leading up to 2001 and, of course, against us on our own shores on September 11, 2001.

The commission on a totally bipartisan basis made 41 recommendations to the Congress. While not every Member of the House or the Senate agreed completely with every part of the commission's recommendations, many in this institution felt that the work of the commission deserved to be considered in a thoughtful and deliberate way.

Mr. Speaker, I believe that the leadership of the House has failed to give these recommendations the serious consideration they deserve. I must commend the chairman and ranking member who conducted hearings during the August district work period and into September. Many of these committees made substantive recommendations. But the text of the original H.R. 10 and the version of the bill before us today were not produced in a bipartisan manner; and that does a great disservice to this body, to the families of the 9/11 victims and to the meaningful work done by the 9/11 commission.

Unlike the bipartisan work on this issue by the other body, the process in the House was directed and controlled by the Republican leadership. Unfortunately, many of the thoughtful suggestions made by Democratic Members and adopted by their committees were jettisoned from the bill before us today.

While some of us may ultimately support H.R. 10 in an effort to move the process forward and in an effort to make the country and the world a much safer place, there is a deep concern that, on an issue of such great importance to every American, whether they be a Democrat, Republican or an Independent, that the House has missed a great opportunity.

The 108th Congress has been one of many missed opportunities, and it is a shame that we have to include this important legislation on that list.

The rule does make in order a substitute amendment to be made in order by the gentleman from New Jersey (Mr. MENENDEZ). The Menendez substitute merges the text of two Senate bills that have been endorsed by the 9/11 Commission, S. 2845, known as Collins-Lieberman, as reported from committee; and S. 2774, known as McCain-Lieberman, as introduced. The substitute more accurately reflects the work of the commission and should be considered by the House. It is unfortunate that we will consider H.R. 10 and the Menendez substitute under such a hurried schedule, but that is a hand that has been dealt to the House by the Republican leadership.

I am sure that many members of the Democratic Caucus will support the Menendez substitute. I hope that members of the Republican conference will do so as well.

Mr. Speaker, time and again we have seen the Republican leadership purposefully exclude Democrats from the deliberative process. At the hearing of the Committee on Rules on H.R. 10, I said that the Republican Party does not hold the lock on national security issues. National security is about all of us.

I hope that ultimately a bill will be sent to the President that will provide for the security of our Nation and its people.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. LAHOOD).

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Speaker, the reason I asked for time under the rule is because I do not think there will be enough time during consideration under general debate and there are a number of points that I wanted to make.

I have been a member of the Permanent Select Committee on Intelligence for 6 years, and I am very proud and privileged to serve on that committee and have served on the committee when 9/11 occurred and obviously since that time. I want to just state for the record the things that we have done as a Congress and also what the administration has done long before a 9/11 Commission was ever created and long before a 9/11 Commission put out a report.

We created a homeland security agency that put together 22 agencies at a cost of $40 billion. These agencies are now working together, communicating and cooperating together. We created a TSA agency for every major airport in this country to screen passengers and screen bags at a cost of about $5.2 billion. We gave the airline industry $4.6 billion to secure cockpits and to make sure that the airline industry was able to survive after 9/11. We passed here on this floor in this Congress the PATRIOT Act which allows law enforcement people to communicate with each other, allows law enforcement people to arrest people in Buffalo, New York and Portland, Oregon trained by al Qaeda with no other purpose in mind but to hurt Americans.

The PATRIOT Act allows law enforcement people to surveil people and surveil people's cell phones and look into people's bank accounts, all provisions that did not exist before 9/11. We created that opportunity. We gave to New York between $20 billion and $40 billion to compensate the families and to compensate New York for the work that was done to clean up the Twin Towers area.

We authorized and now there are being recruited 1,000 new CIA agents, and we authorized and there are now being recruited 1,000 new FBI agents. We created TTIC, which is a terrorism task force within the CIA that works very closely and now is analyzing information, and there is a great deal of coordination and cooperation going on.

We created the JTTFs in every major city where all law enforcement and prosecutors are sitting together every day talking to one another and doing good work. The FBI has been reorganized under Director Mueller, and he deserves a great deal of credit for reorganizing the FBI with one goal in mind: to go after the terrorists and to really make an effort in every office in the FBI to communicate directly with local law enforcement people.

We invaded Afghanistan. We dismantled al Qaeda at a cost of about $18 billion, an enormous cost, but we have dismantled al Qaeda. We have invaded Iraq. We have brought down Saddam Hussein's regime. But the bottom line in all of this is we have not been attacked for 3 years, and we have not been attacked because we have done a lot of good in this Congress. And the lion's share of the credit goes to this administration, to President Bush and his team, and this Congress for the work we have done to secure America, to go after the terrorists, to dismantle al Qaeda. And it has cost us enormous amounts of money, but we have not been attacked for 3 years.

All of this was done prior to the 9/11 Commission and prior to any kind of report being put out.

Now to the bill. This bill was cobbled together by a small group of people with little or no real help from those of us on the Permanent Select Committee on Intelligence or any other committee. It creates a so-called intelligence czar, and it creates what people have been criticizing around here for a long time, another bureaucracy. It not only creates another national intelligence czar, but it also creates eight or nine additional people. It creates a whole new bureaucracy.

The criticism has been that there was too much bureaucracy. There were too many stovepipes. There were too many people who were not communicating or cooperating with one another.

My point is this: We do not need another bureaucracy. We do not need another person. There are plenty of people that are communicating and cooperating, and the proof of that is all of the things that we have put in place and that the Bush administration has done. They deserve the credit, and we deserve the credit. And we should be

talking around here about the things that the Permanent Select Committee on Intelligence and other committees have done and that we as a Congress have done to secure America, to go after al Qaeda, to take the war on terror to the terrorists. We have done a lot of good work around here.

Now this idea that the report comes out and it is sacrosanct and it is the end all and be all, I think, is not accurate. And to put another layer of bureaucracy without consulting the communities, without consulting the CIA, without consulting those people that are involved in this on a day-to-day basis I think is wrong.

I will vote against the bill, and I hope Members will look carefully at it.

I appreciate very much the gentleman from Georgia (Mr. LINDER) for giving me the chance to have an opportunity to sound off on these things.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, this rule does accommodate the request of the minority leadership to make in order the Menendez amendment. It allows 60 minutes in order for debate on that amendment. However, the text of H.R. 10, which we will consider under the rule, undercuts bipartisan efforts to strengthen the intelligence portions of the bill which were adopted in the House Permanent Select Committee on Intelligence, and for that reason I urge a ''no'' vote on the rule.

My amendment offered in committee to establish an independent privacy and civil liberties board passed our committee by a vote of 16 to 3. A second amendment offered by a member of the majority, the gentleman from Nevada (Mr. GIBBONS), to give the National Intelligence director stronger authority to transfer and reprogram money passed in our committee by a vote of 12 to 7.

A third offered by the gentleman from Minnesota (Mr. PETERSON) to prevent the executive branch from reorganizing the intelligence community without Congress's input passed by voice vote.

Mr. Speaker, it is as if these amendments were written in disappearing ink. Not one of them made it into the bill that was considered and reported by the Committee on Rules. Not one.

Our new Permanent Select Committee on Intelligence chairman, the gentleman from Michigan (Mr. HOEKSTRA), is trying to restore our committee's long-standing bipartisan tradition which had come apart in recent months. He supported two of these amendments, but his leadership prevented them from becoming part of the base bill. Why?

Fortunately, our amendments are included in S. 2845, the Collins-Lieberman-McCain bill which is the substance of the Menendez amendment in the nature of a substitute. This is one of the reasons I strongly support the Menendez amendment which we will discuss later this afternoon.

Mr. Speaker, this rule should have accommodated bipartisan efforts by the committee of primary jurisdiction in this House. The actions by the Speaker and the Committee on Rules to strip bipartisan provisions of H.R. 10 are a sorry way to start this historic debate. I will vote ''no'' on the rule.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in support of the rule and the bill that the rule brings to the floor later today.

Mr. Speaker, on a day like today a lot of Members will get up here and make political arguments and try to score political points. I trust that the public will see through all of that.

As the gentleman from Illinois (Mr. LAHOOD) has said, and I think so, well, since 9/11 we have taken a number of very important steps in this body on a bipartisan basis. There are a lot of things that we have done. Perhaps that is one reason why the 9/11 report itself says very clearly we are safer today than we were 3 years ago. But it continues on to say, but we are not safe.

It is that last part that brings us here today. I know that we are all grateful that the 9/11 Commission did not give in to the finger-pointing that we have heard so much of in the months leading up to its creation. But what the commission does make very clear, I think what the public understands instinctively is that for too many years a storm was growing in the terrorist world while too many of our leaders just turned and looked away.

The question that we will answer over the next 2 days is, Will we look away once again? Will our successors 10 years from now, 15 years from now or more, will they look back and say that this Congress failed to act when we could have, when we should have, even when the signs of danger were unmistakable? Just as unmistakable in my view is what we need to do, and that is what the underlying bill is about.

This legislation that we will take up today contains steps that will make us stronger, better, smarter, reforming our intelligence; destroying the lines of material support that make a terrorist operation possible; giving our officials from the Pentagon to our first responders the tools that they need to disrupt terrorists plans.

There will be some good debate today, and there will be some foolish debate today. Some apparently are more interested in who gets the credit instead of what gets done, but the bottom line is simple. This time under our watch we must not look away. We cannot look away.

I urge my colleagues to support this rule. It is a fair rule. I urge them to support this rule so that we can get to the debate on the underlying bill.

I urge passage of this underlying bill as quickly as we can. It will offer important tools. It will help this Nation be safe once again.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER of Texas. Mr. Speaker, I rise to respond to the remarks of the gentleman from Illinois (Mr. LAHOOD) who I have the highest respect for, but I think it would be a great mistake to lead the American people to believe that we have done all we should be doing to secure the homeland.

If you look at our record, though you may claim America is safer, it is far from as safe as it might be in light of the threats we face.

One year after 9/11, bin Laden on his Web site said his goal is to kill 4 million Americans. The greatest threat we face today is a nuclear bomb brought into one of our major cities by terrorists.

□ 1330

In the 2 years before 9/11, we did more to secure loose nukes than we did in the 2 years after 9/11. Three years after 9/11, we still do not have a unified, accessible terrorist watch list.

We just read in the paper the other day that 120,000 hours of untranslated wiretap intercepts are at the FBI. We know that 20,000 illegal immigrants from countries other than Mexico were caught and released last year into our country because we did not fund the detention space to hold them.

We know that our administration says we need anthrax vaccines to vaccinate 25 million Americans in the event of an anthrax attack, and today, in our stockpile, we have enough vaccine to vaccinate 500 people.

I submit to my colleagues that the increased spending on homeland security has not been near what it should be. The other night, during the presidential debate, when JOHN KERRY enumerated some of these shortcomings, President Bush had an interesting response. He said, well, that is going to cost a lot of money, and we have a big tax gap. It shows us where the priorities have been in the administration.

Last fiscal year, our appropriations for homeland security were $20 billion more than they were in the year before 9/11, $20 billion. The tax cuts last fiscal year benefiting the wealthiest 1 percent of Americans was four times that. I say we have made the wrong choices. We have had the wrong priorities, and we should be focusing on the real threat to the security of the American people, al Qaeda.

We increased homeland security appropriations this year in the bill we just approved a few minutes ago by $1 billion. It sounds like a lot of money. We spend $1 billion every week in Iraq. It is time to take the real threat of al Qaeda and bin Laden seriously to protect this country to be sure we are safe from terrorist attacks.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, we have another request for time; although the

speaker is not here on the floor at this moment. I think he will be here shortly. I would ask, does the gentleman from Georgia (Mr. LINDER) have any other speakers?

Mr. LINDER. Mr. Speaker, I am prepared to close.

Mrs. MALONEY. Mr. Speaker, I rise in support of this rule.

9/11 Commission Chairman Thomas Kean is quoted today calling the bill the other body passed 96–2 a dream. If the other body's bill is a dream, I guess H.R. 10 is his nightmare.

There are many of us with grave concerns with the underlying bill, H.R. 10. Analysis of the bill shows it only implements 10 of the 41 recommendations, while tacking on an additional 50. In due time we will have a chance to debate this.

More importantly, the Rules Committee has also made in order a substitute amendment. While the name has changed, it is the same exact substance of the Shays/Maloney substitute. This will allow us the opportunity to have a fair debate. An opportunity to pass a clean bill with bipartisan support.

I will note that the Rules Committee did miss an opportunity to make this truly a bipartisan effort and I remind everyone that the American people do not want a partisan debate on their security. Both parties need to work together and pass this substitute.

This is what the 9/11 Commission and the 9/11 Family Steering Committee has been fighting for.

Over the last weeks they have been unwavering in their support for a fair debate and have fought for an up or down vote on clean legislation.

Today they have scored another improbable victory.

They were told by the House leadership—the same people that fought the creation and extension of the 9/11 commission—that the House would never have this opportunity. The families and commission refused to listen and once again fought for change.

They told us they want us to work in a bipartisan way.

I thank them for always keeping this House on task and I hope, with today's substitute, we can do just that.

By allowing a substitute, this House will have the opportunity to vote up or down legislation that takes provisions from both the Collins/Lieberman and the McCain/Lieberman bills.

This is the same legislation, H.R. 5223, Congressman SHAYS and I have introduced in the House and both have the support of our bipartisan 9/11 Commission Caucus.

This substitute takes Title One of the Collins/Lieberman Bill which creates a National Intelligence Director and a National Center for Counter Terrorism. For Titles two through nine, it uses the language of the McCain/Lieberman bill.

This combination would allow the House to debate a bill similar to the bill that passed the other body 96–2, a bill that enacts the provisions of the 9/11 Commission without any add-ons. This is a bill we could have on the President's desk before we leave town.

I ask Members to support this rule, but I urge them to support the substitute.

This is the option the 9/11 Families and the 9/11 Commission have fought for. It would be a shame if this House does not take this opportunity to work together and pass this substitute.

The American people want this Congress to work in a bipartisan way to enact the 9/11 Commission's recommendations. Today we will have that opportunity by supporting the substitute.

Mr. FROST. Mr. Speaker, then I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

H. Res. 828, by the yeas and nays;

S. 1134, by the yeas and nays; and

H.R. 5061, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 828, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is the resolution.

This vote will be followed by two 5-minute votes.

The vote was taken by electronic device, and there were—yeas 222, nays 195, not voting 15, as follows:

[Roll No. 506]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne

Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Boehlert
Filner
Gephardt
Hinchey
Jones (OH)
Kilpatrick
Majette
Millender-McDonald
Norwood
Paul
Quinn
Radanovich
Ryun (KS)
Slaughter
Tauzin

□ 1359

Messrs. BAIRD, ORTIZ, GRIJALVA, and RUSH changed their vote from ''yea'' to ''nay.''

Mr. CARSON of Oklahoma and Mr. TOM DAVIS of Virginia changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 506, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

ECONOMIC DEVELOPMENT ADMINISTRATION REAUTHORIZATION ACT OF 2004

The SPEAKER pro tempore (Mr. BONILLA). The unfinished business is the question of suspending the rules and passing the Senate bill, S.1134.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1134, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 31, not voting 13, as follows:

[Roll No. 507]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chandler
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Barrett (SC)
Chabot
Chocola
Cox
Cubin
Culberson
Flake
Franks (AZ)
Garrett (NJ)
Hefley
Hensarling
Hostettler
Johnson, Sam
Jones (NC)
King (IA)
Miller (FL)
Miller, Gary
Myrick
Otter
Pence
Petri
Platts
Rohrabacher
Royce
Sensenbrenner
Shadegg
Smith (MI)
Souder
Stearns
Taylor (MS)
Toomey

NOT VOTING—13

Boehlert
Filner
Gephardt
Hinchey
Kilpatrick
Majette
Millender-McDonald
Norwood
Paul
Quinn
Ryun (KS)
Slaughter
Tauzin

□ 1411

Mr. BARRETT of South Carolina and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

Mr. TAYLOR of North Carolina changed his vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 507, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, official business in my district prevents me from being present for legislative business scheduled for today, Thursday, October 7, 2004. Had I been present, I would have voted "aye" on the motion to instruct conferees to H.R. 42567, Homeland Security Appropriations for Fiscal Year 2005 (Rollcall No. 502); "aye" on H.R. 4661, Internet Spyware Prevention Act (Rollcall No. 503); "aye" on H.R. 5213 (Rollcall No. 503); "aye" on H.R. 5186, a bill to reduce certain special allowance payments and provide additional teach loan forgiveness on Federal student loans (Rollcall No. 504); "no" on the adoption of H. Res. 828, a resolution waiving the requirement of clause 6(a) of Rule 13 to provide for same day consideration of H.R. 4520 (Rollcall No. 505); "aye" on S. 1134, the Economic Development Administration Reauthorization Act of 2003 (Rollcall No. 506); and "aye" on H.R. 5061, the Comprehensive Peace in Sudan Act (Rollcall No. 507).

COMPREHENSIVE PEACE IN SUDAN ACT

The SPEAKER pro tempore (Mr. BONILLA). The unfinished business is

the question of suspending the rules and passing the bill, H.R. 5061, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 5061, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 3, not voting 17, as follows:

[Roll No. 508]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
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Frank (MA)
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Johnson, E. B.
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Rogers (AL)
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Ross
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Wilson (NM)
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Wolf
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Buyer
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Gephardt
Hinchey
Jones (OH)
Kilpatrick
Majette
Millender-McDonald
Norwood
Osborne
Paul
Quinn
Rush
Slaughter
Tauzin
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1419

So (two thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 508, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 10.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 827 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 10.

The Chair designates the gentleman from Idaho (Mr. SIMPSON) as chairman of the Committee of the Whole, and requests the gentleman from Texas (Mr. BONILLA) to assume the chair temporarily.

□ 1419

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, with Mr. BONILLA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 3 hours and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; 30 minutes equally divided and controlled by each chairman and ranking minority member of the Committee on Armed Services, Committee on Financial Services, Committee on Government Reform, and the Committee on the Judiciary; and 20 minutes equally divided and controlled by each chairman and ranking minority member of the Committee on International Relations, Committee on Transportation and Infrastructure, and the Select Committee on Homeland Security.

The gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) each will control 20 minutes of debate from the Permanent Select Committee on Intelligence.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 10, the 9/11 Recommendations Implementation Act.

Mr. Chairman, H.R. 10 is a bill that reforms the intelligence community of the United States. To be sure, this bill has provisions to improve our Nation's ability to prevent and prosecute terrorism, to improve border security, and to improve international security cooperation and coordination. But it is the specific focus of the intelligence reform that I wish to address.

This bill, very specifically and very wisely, implements the intelligence reform recommendations of the 9/11 Commission and the House/Senate Joint Inquiry Report. H.R. 10, for example, creates a National Intelligence Director who has dramatically improved authorities and capabilities to manage and coordinate the disparate efforts of the various intelligence components and elements of the United States Government. It makes the National Intelligence Director truly the leader of the entire community, and it makes this person responsible for the coordinated efforts of the entire community.

Some will say that H.R. 10 does not follow all of the recommendations of the 9/11 Commission. In constructing this bill, we critically reviewed the ramifications of one of their recommendations, declassifying the budget. We believe that the unintended negative consequences of such a move outweighed any possible benefits. Why, at a time of war, share any information that our enemies might find useful? I want to be clear to the American people. Structural changes and enhanced authorities cannot and will not ensure perfect knowledge about our enemies' plans and intentions. It is important to say that those who would do America harm are clever. They are very secretive. The asymmetric threats that they can both imagine and effect require us to be many fold better at defense than they need to be in offense. That said, I firmly believe the improvements provided in this bill will make significant improvements in the outcomes of our intelligence analysis, collection, and dissemination.

Mr. Chairman, I, like my colleagues on the other side of the aisle, want to ensure the strongest, most empowered intelligence director possible. It is with that specific intent that we met with negotiators from the other affected committees of the House and crafted what I consider to be a very strong bill. H.R. 10 addresses five major improvements for the intelligence community.

First and foremost, the bill creates an empowered National Intelligence Director who is the head of the intelligence community and who is the principal adviser to the President on all intelligence matters.

Second, it provides this new director with enhanced management authorities to coordinate and manage all aspects of intelligence operations. These new authorities are, I believe, unprecedented and strike a careful balance between the equities of the National Intelligence Director and the heads of the departments that contain the elements of the intelligence community.

Third, the National Intelligence Director is vested with the responsibility and authority to dramatically improve information-sharing of intelligence across the government.

Fourth, the National Intelligence Director is made responsible for strengthening intelligence analysis across the community.

And, finally, this bill creates a National counterterrorism Center. This center will be responsible for analyzing and integrating all intelligence pertaining to terrorism and counterterrorism.

Finally, I want to mention that this legislation also addresses several provisions for dramatically improving intelligence community training and education, particularly in the areas of foreign language expertise and analyst proficiency.

Mr. Chairman, I would also be remiss if I did not turn to the gentlewoman from California (Ms. HARMAN), ranking member of the Permanent Select Committee on Intelligence, and thank her for the intelligence reform legislation that she offered earlier this year. I hold in very high regard the bipartisan manner in which the gentlewoman from California (Ms. HARMAN) and her staff have worked with us on the intelligence provisions of H.R. 10 and look forward to working with her staff as we continue moving through this process, move through the process of a conference committee and bring a bill to the desk of the President.

Mr. Chairman, H.R. 10 is real reform of the intelligence community. It is far better and more well thought out than any other legislation we will address today. I urge my colleagues to vote ''yes'' on H.R. 10.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I thank the gentleman from Michigan (Mr. HOEKSTRA), the new chairman of the Permanent Select Committee on Intelligence, for the comments he just made, not just about me and the members of the minority but about our staff. We work hard, and we welcome the fact that the winds of bipartisanship are again blowing through our committee. It is a good thing for America.

Mr. Chairman, I hail from California, the land of earthquakes. Yesterday, Washington experienced two near simultaneous earthquakes. In California, we would call that ''the big one.''

The first was the Duelfer report, which conclusively established that we invaded Iraq based on wrong intelligence. Four ancient chemical warheads, one vial of Botox and a centrifuge hidden under a rose bush in 1991 did not and do not constitute an imminent threat.

The second earthquake was last evening's spectacular 96-to-2 victory of the Collins-Lieberman-McCain legislation, S. 2845, implementing the 9/11 Commission recommendations. Kudos to Senators COLLINS and LIEBERMAN, amazing legislators who presided over 2 days of markup and withstood votes on dozens of floor amendments over 6 days to produce an excellent bipartisan bill.

In contrast, Mr. Chairman, although this House was first to identify our intelligence gaps and could have played the leadership role in fixing them, we are playing catch-up. More than a year ago, former Permanent Select Committee on Intelligence Chairman Porter Goss and I sent a letter to George Tenet detailing our preliminary findings that ''there were significant deficiencies'' in our intelligence about Iraq's WMD capabilities and that the intelligence community's ''judgments were based on too many uncertainties.''

Last April, as we heard from our chairman, all nine Democrats on the House Permanent Select Committee on Intelligence introduced H.R. 4104 to provide ''Goldwater/Nichols''-style jointness for the intelligence community. Our bill put a dozen intelligence agencies with different rules, cultures and databases under one unified commander for the entire community just the way we put our military services under unified command. We are told our bill formed the basis for many of the 9/11 Commission recommendations on intelligence reform, including the creation of the National Intelligence Director.

Mr. Chairman, the concepts we will debate today were developed from a House bill. It started here, and it stalled here when the Permanent Select Committee on Intelligence majority took no action to mark up our bill. It remains stalled, Mr. Chairman, because the Republican leadership insists on pursuing a highly partisan process. Fortunately, the Menendez substitute has been made in order, and I urge its adoption.

S. 2845, the Collins-Lieberman-McCain bill, which would replace H.R. 10 if the Menendez amendment is adopted, provides full budget execution authority to the National Intelligence Director. In contrast, H.R. 10 creates an ''N–I–D'' but it is a ''Neutered Intelligence Director,'' passing funding through the NID without giving the NID adequate control.

S. 2845 provides for a National Counterterrorism Center with real power to integrate our counterterrorist operations. H.R. 10 reduces the NCTC's power. S. 2845 provides for an independent Privacy and Civil Liberties Board. H.R. 10 does not.

S. 2845 follows the excellent recommendations of the nonpartisan Markle Foundation and creates a trusted Information Sharing Network so that government agencies can connect the dots about the terrorists but not infringe on the civil liberties of law-abiding Americans. H.R. 10 has no such provision.

S. 2845 allows the public to see the overall amount we spend on intelligence by declassifying the top line,

something we did in 1997 and 1998 without jeopardizing national security. H.R. 10 insists on unnecessary secrecy.

In sum, Mr. Chairman, we are debating the wrong bill. In case anyone missed it, the terrorists did not check our party labels before they attacked us, and they certainly will not care whether we are Democrats or Republicans when they try to attack us again. Mr. Chairman, the American people want us to defend our country, not our turf.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. BLUNT), majority whip and a member of the Permanent Select Committee on Intelligence.

Mr. BLUNT. Mr. Chairman, the House is taking bold steps today to reform the way our intelligence community works for the first time in two generations. The legislation that we are debating here today responds to the 9/11 Commission's look at an unprecedented and horrendous day in American history. The Commission made recommendations for dramatically changing our intelligence operations, and seven House committees of jurisdiction held 20 hearings and five markups. Despite some claims to the contrary, our committees have worked in a bipartisan fashion to contribute with strong bipartisan votes, sweeping and much-needed components of change of the legislation that we are discussing today.

I would like to focus on the intelligence reform for a minute. I have had the privilege of joining the gentleman from Michigan's (Chairman HOEKSTRA'S) and the gentlewoman from California's (Ms. HARMAN'S) committee last week during the Permanent Select Committee on Intelligence's markup of the components of the 9/11 Commission bill. This legislation establishes a strong empowered National Intelligence Director who will coordinate the efforts of all the U.S. intelligence agencies. The National Intelligence Director will head up the U.S. intelligence community and serve as the President's principal adviser on intelligence matters. The new National Intelligence Director will also be responsible for establishing and running a new National Counterterrorism Center. This center will be the primary organization for analyzing and integrating all terrorism and counterterrorism intelligence.

□ 1430

The center will help keep Americans safe by integrating all national efforts to detect, deter and disrupt terrorist activities.

This bill enhances the community wide intelligence budget, operations and personal management authorities for the new National Security Director. The Director will have, for example, increased authority to manage and oversee execution of the National Intelligence Program and its annual budget.

One of the strengths of this bill is that this bill still keeps that budget secret from our enemies. Divulging the top line of the national intelligence budget to our enemies is not a good idea. If it is a good idea, why not divulge the next to the top line and the line after that and the line after that? This is just simply information that does not need to be disclosed. This is the only option that protects that information.

The 9/11 Commission Implementation Bill will also improve information sharing. The landmark legislation also sharpens intelligence tools, making the National Intelligence Director responsible for the accuracy of intelligence analysis and for ensuring the quality of human intelligence and other intelligence capabilities around globe. This legislation provides a better intelligence structure and improves our national security.

I urge my colleagues to support H.R. 10, to defeat any substitutes, and to move forward toward this important landmark piece of legislation.

Ms. HARMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), a excellent senior member of our committee.

Mr. REYES. Mr. Chairman, I thank the ranking member for yielding me time, and want to thank our new chairman for working on a bipartisan basis.

Mr. Chairman, unfortunately, we had passed three amendments that have been stripped out of H.R. 10. Having said that, I have been a member of the Subcommittee on Terrorism and Homeland Security of the Permanent Select Committee on Intelligence for nearly 4 years now. Through that subcommittee's work, I have focused on the issue of strengthening our intelligence response to terrorism. I have also served on the Joint Congressional Inquiry of 9/11, and for almost 8 years on the House Committee on Armed Services. So I understand the importance of intelligence to our troops in the field.

We must reform the intelligence community to avoid another 9/11, but the bill before us today is not the way to do it.

H.R. 10, from my perspective, Mr. Chairman, is just too weak. The National Intelligence Director created under the bill would not have the minimum necessary control over funding and appointment of officials or personnel assignments. For example, if the National Intelligence Director cannot hire and fire people, they do not really work for him or her.

In both the Permanent Select Committee on Intelligence and the Committee on Armed Services markups, I offered amendments to strengthen the hiring and firing authority of our National Intelligence Director, using the language of the Collins-Lieberman bill passed by the Senate and endorsed by our White House, The 9/11 Commission and 9/11 families.

The Senate's completely bipartisan bill would properly implement the Commission's recommendations. The House bill is not bipartisan, and my amendments in committee failed on basically party-line votes.

I believe that today we should be adopting a bill to be closer to the bipartisan Collins-Lieberman effort on the Senate side. The voters, and the 9/11 families, in whose honor we work, deserve the strongest efforts to make this happen.

Our ability to counter future attacks from al Qaeda and other terrorist groups demands a bipartisan effort. Sadly, Mr. Chairman, we fail that test today with H.R. 10. I urge my colleagues to vote against it.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM) a distinguished member of the committee and our ''top gun.''

Mr. CUNNINGHAM. Mr. Chairman, I could expound to all of what is in H.R. 10, but I would like to go through a few of the differences and why.

I think for anybody to espouse complete acceptance of the 9/11 Commission recommendations is irresponsible, totally irresponsible, and I will be specific.

The bill that the gentlewoman from California (Ms. HARMAN) presented is thoughtful, caring and actually has many, many of the H.R. 10 legislation bullets in it. She has done a good job. But there are many things that I totally disagree with that I think would do more harm for this country than good. The gentlewoman from California (Ms. HARMAN) is a friend and we work side by side. It does not mean we have to agree on every issue.

First of all, putting the National Intelligence Director under the White House, everybody knows how it works around here. The closer you are to the White House, the more political things become. If you have everything that is scrubbed through the National Intelligence Director by the White House, regardless if it is a Republican or a Democrat, that White House is going to be concerned that anything that is done is going to reflect on their next election and it is going to cause gridlock at that level.

It is going to keep our intelligence agents from being flexible and mobile and have initiative. I think that is wrong, and it could harm this country's intelligence services. That is one.

Secondly, control of the NID totally over the defense budget, I think that is wrong. If you look at Senator JOHN KERRY, that is exactly what he tried to do, is gut defense, for 30 years. And if they are able to have a person as a NID control the Secretary of Defense and the entire defense budget, that is exactly what they want. It is politically motivated, and I think it is wrong.

If you take a look, look at the Army Times. Seventy-two percent of the Guard, Reserves and active duty, officer and enlisted, are going to vote for

G.W. Bush, and they want to stymie that.

Ms. HARMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would point out to my friend the last speaker that both in Collins-Lieberman and H.R. 10, the NID is not part of the White House, the Executive Office of the President. It is separate. I agree with his comments on that.

As far as the budget of the NID is concerned, tactical intelligence is totally exempted.

Mr. Chairman, it is my privilege to yield 2 minutes and 10 seconds to the gentleman from Iowa (Mr. BOSWELL), the ranking member on the Subcommittee on Human Intelligence, Analysis and Counterintelligence of the Permanent Select Committee on Intelligence.

(Ms. BOSWELL asked and was given permission to revise and extend his remarks.)

Mr. BOSWELL. Mr. Chairman, I, too, would like to say I appreciate the work of the gentleman from Michigan (Mr. HOEKSTRA) with our committee, the fresh leadership, and his working together with the gentlewoman from California (Ms. HARMAN), who is doing a great job for us as ranking member. It is good to see my neighbor and friend, the gentleman from Missouri (Mr. BLUNT) participating as he is standing in for Mr. BOEHLERT.

Mr. Chairman, the 9/11 Commission examined ways that terrorists are trying to attack us and pointed out problems with how our intelligence agencies tackle this threat. Our intelligence community was set up more than 50 years ago to deal with threats from the Soviet Union in the Cold War. I personally participated in rewriting FM 101–5 when I was instructor at Command General Staff. We knew we had to change, we had a new threat, the Cold War.

Today we face new threats and our intelligence agencies need to adapt. The 9/11 Commission showed us a way to do that.

I believe H.R. 10 is too weak. It does not do enough to address the threat from terrorism and weapons of mass destruction our country faces. I offered an amendment in committee last week to improve the bill's provisions on the budget authority of the National Intelligence Director. It was voted down on a party-line vote, even though the same provision is part of the bipartisan Senate bill that passed 96 to 2 yesterday.

I think the issue of budget authority is actually a simple one. The National Intelligence Director needs the authority to do the job we are asking him to do. That means power over the intelligence budget. And to be effective, to be allowed to do his or her job, they must have authority over the budget.

With weak authority, the National Intelligence Director will inevitably be weak, exactly as the Director of Central Intelligence has been weak for half a century.

There have been many, many studies of intelligence reform over the decades, and most of them have urged stronger budgetary authority for the Director of Central Intelligence. The 9/11 Commission strongly recommends that the National Intelligence Director be fully in control of the budget, from developing it to implementing it, to ensuring that the National Intelligence Director has the clout to make decisions.

Over in the Senate, the Collins-Lieberman bill keeps faith with those recommendations. H.R. 10 does not. I hope that we will be able to improve the bill, amending the budget provisions and other provisions that are far too weak.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Virginia (Ms. JO ANN DAVIS), a member of the committee.

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I rise in support of H.R. 10, the 9/11 Recommendations Implementation Act, and I thank my friend and colleague from Michigan for yielding me this time.

The legislation before us today contains the most substantial reform of the United States intelligence community since its inception in 1947 and it contains five major improvements to the current intelligence community.

First and foremost, this legislation creates an empowered National Intelligence Director who is the head of the intelligence community and the principal adviser to the President for all intelligence matters. Because this new position will be separate from that of the director of the Central Intelligence Agency, we will finally have an individual whose sole purpose is to direct the overall functioning of the intelligence community.

Second, the legislation provides a new National Intelligence Director with enhanced management authorities to coordinate and manage all aspects of intelligence operations as well as improved authorities over and control of intelligence budgets.

Third, the legislation vests in the National Intelligence Director the responsibility and authority to dramatically improve information sharing across the government. We are all too familiar with the failure of agencies to communicate vital information with each other prior to 9/11.

Now the head of the intelligence community will have the ability to implement an integrated technology network and establish uniform security standards that can break down stovepipes and promote the fullest information sharing possible.

Fourth, this legislation makes the National Intelligence Director responsible for strengthening analysis across the community and for ensuring the sufficiency and quality of human intelligence and other intelligence capabilities.

Finally, the legislation creates a National Counterterrorism Center that will be responsible for analyzing and integrating all intelligence pertaining to terrorism and counterterrorism. No longer will the left-hand not know what the right hand is doing with respect to counterterrorism activities.

As the central knowledge bank of all terrorist and counterterrorist information and the central point for strategic operational planning, we can now take the fight to the terrorists in the most coordinated manner possible.

It is vital that the intelligence community reform better align U.S. resources and management authorities to effectively target both the terrorist threats of today, as well as new threats of tomorrow. I strongly urge support of the legislation.

Ms. HARMAN. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), a member of our committee.

Mr. PETERSON of Minnesota. Mr. Chairman, H.R. 10 is not the best bill that this body could produce. H.R. 10, as introduced, included a curious provision in Title V, section 5021 of the bill would give the President the authority to draft a completely new intelligence reform bill and submit it to Congress for only an up or down vote with no ability to amend.

Now, the Permanent Select Committee on Intelligence, the committee with the expertise and jurisdiction on restructuring the intelligence community, voted on a bipartisan basis to strike this provision. But the Committee on Rules overruled the Permanent Select Committee on Intelligence and left section 5021 in the bill before us today.

This provision would create the same mess that we already have when we are dealing with Trade Promotion Authority, a situation where the Congress has almost no say in what the administration does in our trade agreements. Why would we want to set up another system like that? It would undermine Congress' ability for effective oversight of our intelligence operations, and that is clearly not the right thing to do.

In addition, I do not understand why the House Republican leadership is ignoring the President's endorsement of the Senate's bill and so much of what the 9/11 Commission recommended. Their approach is not going to help us get to where we need to go on this bill and get done in a constructive and timely manner.

I believe the proposed National Intelligence Director should have strong authority in the areas of budget control, appointment of senior officials in the intelligence community and assignment and tasking authority of personnel, and we should have a strong National Counterterrorism Center with responsibilities for assigning roles and planning counterterrorist operations.

Mr. Chairman, I think that the bill passed by the other body is much preferable to H.R. 10 in all of those areas, and I think that is the direction that we should go.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished

gentleman from Texas, (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Chairman, understandably in this debate, we tend to emphasize our differences, but I think it is important to step back a little bit and remember that the basic premise upon which the 9/11 Commission report is based and upon which this legislation is based is that the arrangement of the intelligence organizations we had for the Cold War is not necessarily the best arrangement for today or for tomorrow.

□ 1445

That should not be surprising. It has been true of the military, and we are making changes in the organization of the military. It has been true of our homeland security organizations, and we have made changes there; and it is also true of our intelligence organizations, and this bill begins to make those changes as well.

The issues related to whether we need an overall director of national intelligence have been around since the second Hoover Commission of 1955. CRS has documented about a dozen or more studies that have made this point over the years since then. This bill does it.

There has been unanimous agreement since September 11 that we need to have better fusion of intelligence from all sources, and this bill formalizes that with the National Counterterrorism Center.

There is concern about providing intelligence for the warfighters, and this bill tries to strike the balance to make sure that the warfighters on the ground get the information they need but, at the same time, it recognizes that if we are going to be successful in preventing terrorism, not just managing terrorism, but preventing terrorism, we have to do a better job of bringing that intelligence together and getting it to the policymakers.

This is an important step, but it is only a step, because as the 9/11 Commission recognized, moving boxes on an organizational chart is important, but there are other things that need to be done with the border, with economic development assistance, with public diplomacy, and a variety of other issues that they brought out, and this Congress and the government need to follow that up as well.

Ms. HARMAN. Mr. Chairman, I appreciate the comments of the last speaker and welcome him to the committee.

It is now my privilege to yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who is ranking member on one of our subcommittees, a new member of our committee, and my California sister.

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member of the House Select Committee on Intelligence for yielding me this time.

Today I think it is an historic opportunity for the Congress to confront the critical threats to our national security. But the House Republican leadership unfortunately has refused to address this problem in a comprehensive and bipartisan manner.

Last April, 6 long months ago, all 9 Democrats of the House Select Committee on Intelligence introduced a reform bill. We incorporated the lessons from the congressional joint inquiry into 9/11 and the intelligence failures on the Iraqi weapons of mass destruction. The 9/11 Commission, inspired by the families of the victims, built on our bill and they developed a comprehensive set of recommendations to overhaul the intelligence community.

The Senate, the other body, embraced the 9/11 Commission recommendations in a bipartisan manner by a vote of 96 to 2 and passed a bill that the 9/11 families support and the Commission fully endorsed. No amendment was accepted that reduced the authority of the national intelligence director or the mission of the National Counterterrorism Center. This is the bill I believe we should be voting on today.

Mr. Chairman, H.R. 10 is not such a bill. It is not endorsed by the 9/11 Commission, and it does not fulfill the mandate of the victims' families, as well as I think the hopes and aspirations of the American people.

Last week, at the House Select Committee on Intelligence markup, I offered an amendment to strengthen the quality of analysis in National Intelligence Estimates. That is the ultimate document that is offered to the President and to the Congress to rank and to determine what the threat is. Have we not learned, I say to my colleagues, the failures that were incorporated in that national intelligence estimate that led us to war, and this country is at war today.

I think we can do better. I believe that we should be emulating what the Senate has done, do this on a bipartisan basis. I do not believe this fits the bill.

Mr. Chairman, I rise with serious concerns about H.R. 10. Today we have a historic opportunity to confront the critical threats to our national security, but the House Republican leadership has refused to address this problem in a comprehensive, bipartisan manner.

Last April, all 6 months ago, Democrats of the House Intelligence Committee introduced an intelligence reform bill.

We incorporated the lessons from the Congressional Joint Inquiry into 9/11 and the intelligence failures on Iraqi weapons of mass destruction. The 9/11 Commission—inspired by the families of victims—built on our bill and developed their comprehensive set of recommendations to overhaul our Intelligence Community and congressional oversight of intelligence.

The other body embraced the 9/11 Commission recommendations in a bipartisan manner, and by a vote of 96–2 passed the bill that the 9/11 families support and the 9/11 Commission fully endorsed. No amendment was accepted that reduced the authority of the National Intelligence Director, or the mission of the National Counter Terrorism Center. This is the bill we should be voting on today. H.R. 10 is not such a bill. It is not endorsed by the 9/11 Commission, and it doesn't fulfill the mandate of the victims' families and the American people.

Last week at the House Intelligence Committee, I offered an amendment to improve the quality of analysis in National Intelligence Estimates. The amendment required intelligence analysis to provide a better analysis of the quality of their sources and the uncertainties in their judgments. It was defeated on a party-line vote.

Ultimately, I supported Title I of H.R. 10 in Committee markup last week, because it contained 3 bipartisan amendments which made this bill a better reflection of the 9/11 Commission's recommendations.

The bill the Rules Committee brings to the floor today includes none of the bipartisan amendments passed, and rejects many of the core recommendation of the Commission.

This bill falls far short of the 9/11 Commission's recommendations—far short of what the other body passed overwhelmingly. The National Intelligence Director doesn't have the necessary authorities to direct the intelligence community or to move resources when priorities change. The National Counter Terrorism Center will have a director without clout, with a limited mission, and with little ability to coordinate counter terrorism operations across the Federal Government.

And to make matters worse, the Republican leadership has included so-called "poison pills " in the bill—such as anti-immigration policies dressed up as counterterrorism, and a provision that could undue our treaty obligations under the Convention Against Torture. This is nothing but a cynical ploy, an attempt to label those Democrats who will not support this weak legislation as somehow "weak" against terrorism.

Mr. Chairman, our responsibility today is to strengthen our national security as the 9/11 Commission recommended. We can honor the 9/11 families and pass the bill they've been fighting for for 3 years. H.R. 10 simply isn't that bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD).

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I thank the chairman for yielding me this time.

I tried to focus earlier on, under consideration of the rule, my many long list of things that those of us on this committee have been doing since 9/11, and that the Bush administration has been doing. We have done a lot. We have really tried to do an awful lot to dismantle al Qaeda, to secure America, to secure our airports, and all of it long before there was ever a 9/11 Commission and long before there was a 9/11 Commission report.

This Congress, President Bush and his team, have done an extraordinary job, and the proof of it is that America has not been attacked for 3 years. We deserve this credit for that. We ought to take the credit for it. This was before there was any kind of a report printed. Now, all of a sudden, there is

this report that comes out that says we need another level of bureaucracy. I do not think we need another level of bureaucracy. We do not need anybody else on top.

There has been a lot of coordination and a lot of communication that has taken place since 9/11. The FBI has been reorganized under Director Mueller and he is doing a good job, and we have a new CIA director and he is doing a good job. He has a new team in place. The CIA has embedded agents in the FBI and the FBI has agents embedded in the CIA who have created JTTFs all over the country. We have the TTIC that is operating very well. These acronyms maybe do not mean much to anybody, but there is a lot of activity that has taken place in this government under the leadership of President Bush and under the leadership of Congress, and to put another layer of bureaucracy, another layer of people, I think, makes no sense at all.

One of the criticisms prior to 9/11 is that this kind of bureaucracy, there was too much bureaucracy; we do not need any more bureaucracy, we do not need any other layers of government. This position would not have prevented 9/11. Had this position been in place prior to 9/11, it would not have prohibited 9/11.

I urge Members to look carefully at this bill. I plan to vote against it.

Ms. HARMAN. Mr. Chairman, it is my pleasure to yield 2 minutes to another committee member, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentlewoman for yielding me this time. I commend the chairman and the ranking member for their leadership.

I rise today in opposition to H.R. 10, a partisan and wholly inadequate bill, a pale shadow of the recommendations of the 9/11 Commission. It does not come close to addressing many of the key issues raised by the Commission. I should underscore that this is not an academic exercise, this is not about boxes on a bureaucratic organization chart, Mr. Chairman; these are life and death issues, as the families of more than 100 9/11 victims would attest.

Let us remember why we are here. There are well-publicized failures and shortcomings in our intelligence, failures of intelligence agencies to communicate in the days and months leading up to 9/11, absence of anyone coordinating activities, absence of self-criticality, accepting and perpetuating unfounded reports of weapons in Iraq. That is what we are trying to address.

But this legislation does not give the intelligence director the personnel and budgetary authority to coordinate activities or to direct communications. There is nothing in here to guarantee that the intelligence community does not, once again, fall victim to false assumptions and group think.

Furthermore, H.R. 10 includes other changes unjustified by the 9/11 Commission or by the committee's own findings.

I am grateful that the Committee on Rules has allowed the amendment of my colleague, the gentleman from New Jersey (Mr. MENENDEZ) to come to the floor. It is clearly a superior alternative to H.R. 10 for many reasons, not the least of which it rejects the noxious provisions of H.R. 10 that would mindlessly shred civil liberties while sanctioning the outsourcing of torture of unconvicted terrorist suspects by transferring them to other countries with deplorable human rights records.

I urge my colleagues to reject H.R. 10 and to vote for the Menendez substitute.

Our constituents have asked Congress to reform the intelligence community because of a self-evident lack of coordination among agencies, a confirmed failure to communicate critical threat information, and repeated instances of the use of questionable assumptions and faulty conclusions in key intelligence assessments. The bill before us addresses none of these deficiencies in a meaningful way, and in many cases does not address the key problems at all.

With regard to this legislation's proposed budget and personnel authorities for the National Intelligence Director, I share the view expressed by 9/11 Commission chairman Tom Kean (Washington Post, October 1): "This is not an area where one can compromise," he said. "If you're not going to create a strong national intelligence director, with powers both appointive and over the budget, don't do it."

SERIOUS FLAWS WITH H.R. 10

The bill before this House would also add other changes unjustified by the 9/11 Commission or by the committee's own findings. H.R. 10 fails to address the ongoing problems in the intelligence community with regard to information sharing. Congress must craft specific legislative language—not simply vague guidance to the executive branch—to create a mechanism for ensuring the sharing of information. I posed an amendment that would have done that by implementing the thoughtful, bipartisan solution incorporated in the Collins-Lieberman bill.

H.R. 10 also ignores the need for Congress to create an independent capability for judging the veracity of both finished assessments—be they NIE's or PDB's—and the sources that underpin those assessments. The executive branch's past failures in the area of "Red Teams" or "Team B's" have been well documented, including by the 9/11 Commission in its final report. Omitting this glaring necessity is simply irresponsible.

HOUSE INTELLIGENCE COMMITTEE MARKUP-UP OF H.R. 10: BIPARTISAN IN NAME ONLY

With very few exceptions, H.R. 10 was not drafted in a bipartisan manner. During September's House Intelligence Committee markup of H.R. 10, a number of amendments offered were in the spirit of strengthening H.R. 10 and strengthening our capabilities against terrorists.

To be accurate, the Committee approved 3 amendments in a bipartisan fashion.

The Gentlelady from California, Jane Harman's amendment to add an independent Privacy and Civil Liberties Oversight Board, similar to a provision of S. 2845, passed on a bipartisan vote of 16–3. An amendment by Representative Gibbons to increase budget-reprogramming authority, modeled on the Intelligence Transformation Act (H.R. 4104), passed 12–7. The Committee also accepted on a voice vote an amendment by U.S. Representatives Peterson and Boswell to strike a provision in Title V of H.R. 10 that would have allowed the President to ignore statutory direction and reorganize the Intelligence Community with only an up-or-down vote from Congress. Such a provision could conceivably be used to erase the reorganization of the intelligence community in Title I. It would also have undermined by HPSCI's oversight of intelligence community reorganization.

I note for the record that when the amended H.R. 10 went before the Rules Committee, these bipartisan provisions were stripped out, thus demolishing any claims that H.R. 10 was a bipartisan bill.

An independent bipartisan commission has determined that systemic problems across multiple agencies contributed to the 9/11 catastrophe, in particular, and that the essential problems that led to 9/11 remain unaddressed. The executive branch has not cleaned up its act. I certainly heard nothing in the multiple hearings in the HPSCI to convince me that the major problems have been solved.

Also, H.R. 10 makes no effort whatsoever to reform how the Congress handles our oversight functions in the national security arena. The Menendez substitute does begin to take some steps in this direction, but I hope my colleagues on both sides of the aisle understand that we have much more work to do in this area, as the Commission has made very clear in its final report.

Mistakenly, H.R. 10 provides new authority allowing the President to completely undo the intelligence reforms mandated by Congress. Under this provision a presidential plan to reorganize the intelligence community would be guaranteed an up or down vote, with no amendments, within 90 days of submission to Congress.

BACKSLIDING ON HUMAN RIGHTS

Clearly, supporters of this bill learned nothing from the Abu Chraib prison debacle that stained our efforts in Iraq, when disclosed less than 6 months ago. H.R. 10 makes an exception to America's legal obligations under the U.N. Convention Against Torture and Other Forms of Cruel and Inhuman or Degrading Treatment or Punishment for some aliens as well as terrorists and criminals. Indeed, I have introduced a bill (H.R. 4951) that would allow independent monitoring and mandate that interrogations of prisoners and detainees in the war on terrorism be video recorded, something that I understand that Pentagon has finally started doing, albeit on a limited basis. This proposal in H.R. 10 to potentially sanction further abuse in third world countries is simply unconscionable and it should be categorically rejected by both the House and the Senate.

MORE EROSION OF CIVIL LIBERTIES AND PERSONAL PRIVACY

H.R. 10 would allow the U.S. government to spy on individuals without proving they are connected to a foreign government or terrorist group. Since when did we decide to bring back the "good old days" of allowing our intelligence community to spy on Americans without impunity? We know what happened the last time we allowed our intelligence community to run amok here at home: spying on antiwar groups whose only agenda was to end

our nightmare in Vietnam and make the government accountable to the people it was created to serve. This is a back-door effort to create a domestic spy agency without any genuine public debate or examination of the perils of such a proposal, and it too should be roundly rejected.

COLLINS-LIEBERMAN-MCCAIN AND SHAYS-MALONEY: REAL BIPARTISAN REFORM

Let me turn now to a more positive, bipartisan alternative to H.R. 10.

In my view, the Collins-Lieberman-McCain bill provides the best available vehicle for strengthening the intelligence community, and I support Mr. MEMENDEZ's substitute which is based on that. The 9/11 Commission and the 9/11 families have endorsed this approach and it was reported unanimously out of the Senate Government Affairs Committee, and our Senate colleagues are on the verge of passing that bill as we speak. The Administration also released a Statement of Administration Policy supporting that bill, albeit with some caveats.

The Menendez substitute to H.R. 10 establishes a National Intelligence Director with strong authorities over the Intelligence Community's budget and a decisive role in appointing the heads of all elements of the Intelligence Community. In this way, it is consistent with the recommendations of the 9/11 Commission. The creation of a strong National Intelligence Director with strong authorities over budgets and agency heads was also the number one recommendation of the bipartisan, bicameral Congressional Joint Inquiry into 9/11.

If the National Intelligence Director is going to have real power, he or she must have stronger budget and hiring authority than H.R. 10 proposes. The only way to get a dozen intelligence agencies to work together to help defeat the violent, extremist Islamic insurgency we are facing is to have a single director with real power.

The Menendez substitute also has the advantage of being a "clean" bill. It focuses exclusively on the 9/11 Commission's recommendations. In contrast, H.R. 10 is a 543-page bill loaded with provisions unrelated to the 9/11 Commission's recommendations. H.R. 10 makes changes to immigration laws that have nothing to do with the 9/11 Commission's recommendations, and are bad policy. Our legislative purpose must be to make American safer—not to undermine civil liberties, expand authorities for domestic spying, or erode the rights of immigrant communities.

Finally, the Collins-Lieberman-McCain bill is genuinely bipartisan, and thus the Menendez substitute is, by extension, bipartisan. Making America safer is not a Republican issue or a Democratic issue—it is an American issue. As my colleague, the Gentlelady from California, Ms. HARMAN, has observed on numerous occasions, terrorists are not going to check our party labels before they attack us.

I understand that the American Civil Liberties Union and other civil rights advocacy groups expressed concern about the Collins-Lieberman measure that was passed by the Senate. Specifically, the ACLU stated that "senators failed to address concerns about the creation of an "Information Sharing Network," a system that the ACLU said lacks privacy and civil liberties safeguards." I understand and share their concerns, but I believe the Menendez substitute—which does create a civil liberties board—addresses this issue. I will also encourage the House-Senate conferees on this legislation to strengthen these provisions as well.

I want to close by appealing to my colleagues to remember why we're here: to pass legislation that implements the recommendations of a bipartisan commission that was created out of both the pain and the hopes of the families of 9/11. Those families have endorsed the Collins-Lieberman Bill. They will freely admit it is not perfect, a sentiment I share. But they know, as I do, that it is a far superior proposal to the one we're debating today and it is for those reasons I urge my colleagues to support the Menendez substitute to H.R. 10.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT).

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, in July, the 9/11 Commission released its report. This report detailed the terrorist mindset, the hatred, the religious fanaticism, the unimaginable degree of commitment to harm us and destroy our culture. Today we are considering legislation based on the 9/11 Commission's recommendations that is making the most sweeping changes since the CIA was created more than 50 years ago. I believe the most important part of the bill is the creation of a national intelligence director for intelligence community management, which will unite the intelligence community, leaving the day-to-day duties of running individual agencies to their directors.

This legislation mandates a network designed to share information across agencies and promote the distribution of information. The legislation will also reduce the barriers of our domestic law enforcement and forward intelligence activities by creating a National Counterterrorism Center.

This bill has the strong support of all of the committees of jurisdictions, so I ask my fellow Members to give it their full support. September 11 showed us the danger of Islamic terrorism. It also taught us the deficiencies of our own system. It is important, as Members of Congress, we do not let it happen again, and for that reason I urge that we pass this legislation.

Ms. HARMAN. Mr. Chairman, it is now my privilege to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER), a member of our committee.

Mr. RUPPERSBERGER. Mr. Chairman, I applaud Senators COLLINS and LIEBERMAN for their bill which was endorsed by the 9/11 Commission, the 9/11 families, and the President. This bipartisan bill passed the Senate yesterday 96 to 2 and shows us that Congress is capable of getting it right.

The Senate bill is not perfect, but it is tough, historic reform. Of course, there are other important national security issues, like border security, and we must and we will deal with them.

Now is the time to throw partisan politics out the window. Now is the time to come together on behalf of the American people. This is about life and death. This is about the national security of our families and our communities. The bipartisan 9/11 Commission did an outstanding job for 20 months, with 1,200 witnesses and millions of documents, and reached a unanimous conclusion. The country stands behind their work and their recommendations. We need to move forward and follow the Commission's incredible work.

The most important recommendation we can implement is that of a strong national intelligence director with real authority and budget control. When I was Baltimore County Executive, I managed over 15,000 people. A leader needs real budget authority to be able to give people the resources they need to get the job done and hold them accountable for performance.

We owe it to the 9/11 families, we owe it to the victims, we owe it to the 9/11 Commission, and we owe it to the American people to set our politics aside and get it right.

This should not be about turf battles. I urge all Members to vote their conscience and vote for the Menendez substitute amendment, which is the closest to the Senate bill.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SWEENEY), my colleague who has fought for the recovery of New York, and a member of the Select Committee on Homeland Security.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for yielding me this time.

In the brief time that I have, I briefly want to say a couple of things. One, this bill is important for a lot of structural reasons, and if we think about the fact that we have, in Congress, not done such a great job, dating back to the 1970s, as the gentleman from Texas (Mr. THORNBERRY) pointed out earlier. This is a huge and significant step.

So for those out there who say we still need to do more, or we have some disagreements and we need to get it right, I would say this. I think this bill strikes a perfect balance at this particular time, and I have every bit of confidence that the new chairman of the Select Committee on Intelligence will be able to get us to exact point that we all can agree on and where we all want to be.

Some would argue let us centralize it more; some would argue let us give it more power. Others on the other side say it is another bit of bureaucracy and we do not need it at all. I will say this simply. Deciding to establish a national intelligence director and establishing a National Counterterrorism Center will end the buck-passing that has occurred all too often around here.

I think it is a bold and significant stroke. I think it is the right balance at this point, and I also would point out for first responders that in this bill, this Congress takes its first steps forward to making those fundings risk-based. I salute the chairman for that.

□ 1500

Ms. HARMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentlewoman for yielding me time.

It used to be an axiom of American politics that partisanship ended at the water's edge. We have no greater responsibility to our constituents than the security of this Nation.

On September 11, 2001, Republicans and Democrats died together in the World Trade Center and the Pentagon. Today tens of thousands of American troops, Democrats and Republicans alike, are battling insurgents and chasing al Qaeda and the Taliban in Afghanistan. Our police, firefighters and air marshals, Democrats and Republicans alike, are working every day to keep Americans safe.

In return, our troops, our first responders, and the American public expect us to organize the government so that we are better able to perform the mission of the defense of this country. In late July, the 9/11 Commission produced its report and laid out a series of recommendations that they believe would best ensure the security of the country. I said then and I say again today that the 9/11 Commission's recommendations should be the basis for any actions taken by this Congress in reorganizing and best configuring this government's response to the threat of terrorism.

The Menendez substitute closely adheres to the recommendations of the commission. It has no extraneous provisions that are not central to the mission of securing this Nation from terrorism. I also note that it has the support of the 9/11 families and their voices are ones we should not ignore. It grants more authority to the National Intelligence Director to enact real reforms in the intelligence community and creates a more powerful national counterterrorism center than the one proposed by the base bill. And, most important, it includes a mandate supported by the commission to strengthen Nunn-Luger's cooperative threat reduction and the Proliferation Security Initiative.

The threat of a nuclear weapon falling into the wrong hands is the most significant threat we face.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I rise in support of H.R. 10. I know we have made a lot of changes over the last 3 years in our intelligence community, with the most recent being a change in the DCI, from Mr. Tenet to Mr. GOSS. And I think that is probably the most important change that has been made.

The DCI is an important position. It will be replaced by the National Intelligence Director. What concerns me, though, Mr. Chairman, is how far Congress will go in trying to manage or micromanage the intelligence community. The intelligence community is one of the most important agencies of our government. They gather information. They analyze information. And they present that information to the Commander in Chief. Lives depend on that information and we should never do anything that will stand in the way or weaken the efforts of our war fighters.

I will support this bill. I like this bill much better than I do anything I see from the other body or any substitute that I have heard about. I urge my colleagues to support H.R. 10.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time to close the debate.

Mr. Chairman, previous speakers have detailed the strength of the Collins-Lieberman-McCain bill and the weaknesses of H.R. 10, and they have done an excellent job. I would like to close by reminding everyone what is at stake.

We have had multiple intelligence failures over the last 3 years with catastrophic consequences. We failed to anticipate and stop the attacks of September 11. Then our intelligence agencies failed to provide an accurate assessment of Iraq's weapons programs as was conclusively established with the release of the Duelfer Report. And we failed to predict the post-war looting and the strength of the post-war insurgency in Iraq.

The President seems to be in denial. He has not even acknowledged the existence of the Duelfer Report. But we cannot afford to be in denial. The terrorists are preparing their attacks right now. We need to act not as Democrats and not as Republicans, but as Americans.

A spokesman for the Speaker stated last week that the purpose of this exercise is to ''spank Democrats.'' I think the purpose of this exercise is to prevent, deter, and disrupt the next terrorist attack with the best intelligence we can field. I think the purpose of this exercise is to make America safer. I think the American people agree with me, and I urge us to adopt the bipartisan Menendez substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in support of this legislation, and I want to thank the distinguished chairman of the committee for his outstanding work on this issue.

I want to also say that this body has been at the forefront of dealing with issues prior to 9/11 that if the CIA and other agencies had paid attention to us would have allowed us to be better prepared than we were on September 11. In fact, it was the House Committee on Armed Services that put language in three successive defense bills starting in 1999 calling for the creation of an interoperability center, a data fusion center.

That initiative was not established and set until January of 2003, which today is called the TTIC. We had language in three successive bills to do that in the previous Congress, the previous administration. And the CIA on November 4 of 1999 in my office said, we do not need that capability. That was 2 years before 9/11.

It has been this body and the various committees that have done a good job in allowing us through efforts like the Gillmor Commission to make recommendations that could have helped us. That did not happen. But the bill we have today is a good bill.

The alternative, which I understand was crafted a matter of days ago or hours ago, is certainly not something I can support. I urge my colleagues to support the bill.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am disappointed by some of the partisan tone that at times permeates through this debate. The Permanent Select Committee on Intelligence has been racked by a series of failures over the last 13 years, not the last 3: the failure to anticipate the World Trade Center bombing in 1993; the failure to anticipate the attacks on our barracks in Saudi Arabia; the failure to anticipate the attack on the USS *Cole* or our embassies in Africa.

But there are many hard-working men and women in the CIA and in the intelligence community who have done a phenomenal job. This bill fixes the problems.

We would have had an opportunity in a bipartisan way to move this bill forward, but our colleagues on the other side of the aisle walked away from any bipartisan amendments and only wanted one.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). The time for general debate for the Permanent Select Committee on Intelligence has expired.

Under the rule, the Chair now recognizes from the Committee on Armed Services, the chairman, the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON) each for 15 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that my partner on the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), will have 15 minutes also.

Mr. Chairman, we do have an opening statement, and we do have a number of Members who wish to speak on the bill.

Mr. Chairman, this is a very important piece of legislation, and the Committee on Armed Services had a very important role here. I think we want to applaud all the other committees that

participated in putting this bill together, but our role was to a large degree a protective role. It was a role of making sure that the men and women who are fighting right now in the war, fighting in theaters in Iraq and Afghanistan have that lifeline between themselves, whether it is a Special Forces team or a Marine platoon in Fallujah or an Army company in Tikrit, that they have that lifeline between the war fighters on the ground and our national platforms, including our aircrafts, our UAVs and our satellites; maintaining that lifeline of immediate information to the war fighters so they can prosecute this war against proper terror and protect their soldiers, sailors, airmen and Marines.

So when we look at this creation of the National Intelligence Director, which I think is a needed thing and is an important step for our country, a director who can set rules for the dissemination of intelligence and information across the broad scope of American agencies so that an agency that can use a piece of information is able to get it without having to go to great length. And so that our classification system, when you decide who is going to be allowed to listen to certain things or hear certain things, it has a set of rules so that they can see what they need to carry out their job in protecting our country.

The National Intelligence Director is going to do all of those things. He is also going to set this broad strategic plan and this blueprint for our intelligence apparatus, and he is going to develop the intelligence budget. And he is going to make sure that that budget is moved through the various wickets of the bureaucracy and ends up buying the right kind of things, developing the right kind of capabilities, and bringing to this important team the right kinds of people.

Now, the Department of Defense, but more specifically people on the ground who wear the uniform of the United States, have an enormous stake here. They need to have that lifeline of intelligence available at all times; and it needs to come from all different sources. So they need to sit at the table in partnership with the National Intelligence Director when we are talking about information that is going to make a difference on the battlefields. And in this bill, different from any other bill, we do that.

We maintain that partnership between people in uniform, and this direction comes from having lots of names, lots of discussions with people from war fighters in the field right up through the directors of our intelligence units. To do that, to make sure that that partnership is maintained, we have maintained the Department of Defense, not in developing the budget but in the execution chain of that budget so that you have informed buyers when you are buying things like satellites and other types of platforms, and also when you are choosing the head of these agencies like the NSA, the NRO, geospacial, so that while the Department of Defense could overrule the DCI in the old days, today it is going to be a true partnership. It is going to be true concurrence, where the National Intelligence Director and the Secretary of Defense need to concur on a decision or on a recommendation for the head of the NSA, very important intelligence apparatus.

So we have true concurrence, and that is another way to maintain this important partnership. Right now, Mr. Chairman, we have people sitting in rooms deciding where our intelligence assets are going to look next, whether they are going to look at some place over in Africa that is an important area or maybe some place up in the hills of Pakistan and they are making decisions as to what we look at next. And this partnership, this collaboration, is working and this bill today, Mr. Chairman, that we are producing as written does maintain that partnership. I would urge that everybody support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant support of H.R. 10. Mr. Chairman, this bill is a bill to reorganize our Nation's intelligence community. This bill proposes to reform the organization and structures of national intelligence capabilities in an effort to better protect us against catastrophic terrorist attacks similar to those of 9/11. Of course, that is a laudable goal.

The bill that is before us is far from perfect. Many of us on this side believe this bill does not go nearly far enough in revamping our national intelligence system. In addition, unnecessary provisions on immigration and the PATRIOT Act have been added.

This bill could and should be a better product. We can make it better if we adopt the Menendez substitute amendment which will bring the bill into line with the recommendations of the 9/11 Commission as well as the Collins-Lieberman-McCain bill in the Senate that was passed yesterday.

The bill before us creates a new National Intelligence Director with the authority to develop, manage, and reprogram the budget of the new intelligence.

□ 1515

The Menendez bill creates real budgetary power. The National Intelligence Director is authorized to transfer personnel and appoint key leaders throughout the intelligence community. Moreover, under this bill the National Intelligence Director is expected to establish the guidelines and priorities of the entire intelligence community. Better coordination is the aim of the Menendez substitute.

Mr. Chairman, the foremost concern that I have about the bill relates to battlefield intelligence. The soldiers, sailors, airmen and Marines are the ones on the front lines of the war on terror. We all know that. The intelligence community both serves and relies on them. Forward deployed, they are the ones collecting much of the intelligence. In fact, more than 80 percent of our Nation's intelligence capability is derived from Department of Defense resources. I am hoping that whatever conference agreement is achieved on this bill will recognize this and respect the role and unique responsibilities of the Secretary of Defense.

I do, however, want to register my unhappiness over the process that brought us to this point. This bill was written behind closed doors.

I would also like to note that although the Committee on Armed Services marked up this bill, several titles of the bill have made it to the House floor, Mr. Chairman, without any committee consideration of any committee of the House of Representatives. Moreover, several amendments adopted in the committee markup are not included in the text of the bill before us. That is just simply wrong.

One omission is the proposed creation of a civil liberties oversight board to oversee the issuance of intelligence-related legal and regulatory guidance to ensure consistency with our Nation's Constitution and our civil rights law.

Another provision that should be included in this bill would establish an independent Inspector General with the responsibility to investigate alleged fraud, waste and abuse under the new system and within the office of the National Intelligence Director. This is important, but it is not there.

Other provisions that should be in this bill would improve our national ability to reduce the proliferation of weapons of mass destruction around the world. We all know that it is the most dangerous, Damocles' sword that hangs over the head of the free world. H.R. 10 does not go far enough in curbing the flow of nuclear, chemical or biological weapons to terrorists. Robust counterproliferation programs, in my opinion, are essential to winning the war against terror.

In the end, Mr. Chairman, I believe all of us support a better intelligence capability, and toward that end, I will support H.R. 10. However, as I said earlier, reluctantly, in my view, though, this would be a much better, better bill now if the process that led to its consideration had been a full and bipartisan one.

We have a chance to improve this bill today. We can do it simply by adopting the Menendez substitute, and I urge my colleagues to support that amendment when it comes before this body.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON) who is the chairman of the Subcommittee on Terrorism, Unconventional Threats and Capabilities.

Mr. SAXTON. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I rise in support of H.R. 10. This bill, as it has already been said, creates a National Intelligence Director which I think is extremely important, but I also think it is important that it maintains the director of Central Intelligence as a key player and a Secretary of Defense as the third key player.

This, from our point of view on the Committee on Armed Services, is an extremely important point. That being so, because the Secretary of Defense has traditionally been responsible for managing those defense intelligence agencies such as NGA and NRO and NSA and others which have done a very credible job in their areas of expertise.

This is extremely important today because of the support that is necessary for the intelligence community to give directly to the warfighter. Mr. Chairman, the methods of collection and necessity of collecting have changed dramatically over the last decade or so. Prior to the early 1990s, we had the necessity of collecting information on the Soviet Union with big armies, with an arsenal of weapons that we knew about, with fighting capabilities that we knew about.

Today, we collect on a completely different adversary. We collect on someone who we know little about, with whom and who has been very difficult to infiltrate their organizations because of the nature of the culture. So, intelligence has changed and so have the defense intelligence agencies that collect on the new threat.

Today's intelligence agencies are able to answer questions such as these: Where am I, and what does my environment look like? Where exactly is my adversary, and what does his environment look like? What capabilities does the adversary appear to possess? Are new situations or capabilities emerging from my adversary? What are my adversary's centers of gravity, limitations and vulnerabilities? And this list goes on. These are questions that were important historically, but they are more important today. Our defense intelligence agencies have evolved and changed to answer these questions.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, I thank the gentleman from Missouri for the time.

Mr. Chairman, this is an extremely important debate. All Americans have a stake in the outcome of this debate, and it is a fascinating set of issues because, on the one hand, basically supporting the provisions of the Menendez substitute, we have none other than the President of the United States, the 9/11 Commission, most all of the 9/11 families, 96 United States Senators, including all 51 Republican Senators. We have such a notable defense expert such as the chairman of the Senate Committee on Armed Services, Mr. WARNER. That is on one side of the debate.

On the other side of the debate, in favor of H.R. 10, a bill that came out of nowhere, a purely partisan bill, we have the gentleman from California (Mr. HUNTER), the chairman of the House Committee on Armed Services.

Now, which side would most House Members choose to support? The President, the 9/11 Commission, the 9/11 families, 96 Senators, 51 Republican Senators, including Senator WARNER, or our colleague, the gentleman from California (Mr. HUNTER)? I suggest that should be a pretty easy question for most Members of this House to decide.

What really matters is the substance, and our friend, the gentleman from California, has said many times, including in today's Wall Street Journal, that it is vitally important to preserve that link between the warfighter and intelligence asset. I could not agree with the gentleman from California more. I think all Members of the committee are in favor of preserving that link. I would submit to the gentleman that the White House and our President are in favor of preserving that link. That is why they have endorsed basically the Collins-Lieberman bill, which the closest thing we will be allowed to discuss is the Menendez substitute. They have not, to my knowledge, unless the gentleman has gotten a secret submission from the White House in the last few hours, supported the gentleman's approach.

So, for my friends on the other side of the aisle who are standing with our chairman, that puts the White House in a curious position. Are our colleagues on the other side of the aisle counting the White House as being incompetent and somehow supporting a bill that would do bad things to our troops? Or are they accusing the White House of being insincere and not really meaning their endorsement of Collins-Lieberman? Which is it? Because the two sides could not be more at odds.

The American people reading the newspapers today probably thought that the Congress of the United States is well on its way toward intelligence bipartisan reform. Well, if the wrecking crew that is being put forward on this side of the House has its way on this side of the Capitol building, there might not be a conference that can succeed at all. It is very important that the American people get reform so that we can be better protected.

I would urge the Members of this House to not just consider this a routine vote, not just to routinely go along with leadership. These are very complex issues. It is a lot to ask Members to read some 600-page bill that we got handed basically on Monday, a much longer bill than we were dealing with last week. Most of the committees that had jurisdiction were very poorly able to conduct their business.

As the gentleman knows, in the Committee on Armed Services, discussions of weapons of mass destruction was ruled to be nongermane. So, due to a technicality, the Committee on Armed Services was not allowed to discuss weapons of mass destruction issues. I would ask, what is more important than discussing such issues? What is a better forum than the House Committee on Armed Services? But we were not allowed to discuss it due to a technicality.

Other committees, the Permanent Select Committee on Intelligence, they adopted three amendments in the Permanent Select Committee on Intelligence on a bipartisan basis, but somehow all those amendments were struck before the bill got to the floor.

So the process has been an abomination. Not only did our chairman not consult the ranking member of this committee in formulating H.R. 10, the process has ignored weapons of mass destruction, has struck bipartisan amendments that were reached in other committees. That is not the right way to reform intelligence in this country.

The right way, I would suggest, is the way the other body did it, by working together in a calm and bipartisan fashion to achieve consensus such as a consensus they achieved yesterday with a 96–2 vote, complete unanimity among the Republicans, in agreement with the White House, but that, sadly, is not what we have on this side of the Capitol.

So I would urge my colleagues, in the strongest possible terms, support the Menendez amendment. Oppose H.R. 10, and do the right thing for our country.

Mr. HUNTER. Mr. Chairman, I thank the gentleman, and I thank him for being one of the 59 members of the Committee on Armed Services who voted unanimously for the bill that is before us right now.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), the vice chairman of the committee.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished chairman for the time, and I rise in support of the legislation, and I would just like to reemphasize what my colleague and leader said.

The gentleman who just spoke voted with us in support of this legislation in committee. The vote was 59 to zero, and I would further add that I hope the gentleman's not trying to imply that the White House or the President supports the Menendez amendment. Is he implying that?

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. COOPER. Mr. Chairman, the statement of administration policy said they supported H.R. 2840.

Mr. WELDON of Pennsylvania. The gentleman said they were supportive of the Menendez amendment.

Mr. COOPER. The Collins-Lieberman bill, and the closest thing we are allowed to vote on is the Menendez bill. As I said, the Menendez amendment is the closest thing we are allowed to vote on in the House.

Mr. WELDON of Pennsylvania. Mr. Chairman, the gentleman is not being truthful to the Members of the Congress. He said the same thing in committee when he told the Members in committee that the amendment he offered had passed another committee of the House, and one of our colleagues on the Republican side had to correct him, and they had to admonish the gentleman because he gave false information.

He said in the committee that one of the other full committees had passed in markup the bill that we were considering in the Committee on Armed Services, and it was wrong.

The President and the White House is not supporting the Menendez amendment in no way, shape or form, and it is wrong to give that impression to our colleagues.

What I want to do is spend, for a moment, a minute congratulating my distinguished chairman. He is doing what the Committee on Armed Services has done since I have been here for 18 years under Democratic leadership and Republican leadership. He is doing what is right for our soldiers.

It was the Committee on Armed Services in 1995 and 1996 that told the CIA and the Air Force to arm the Predator. Now, back then, the same argument could be made. The Air Force did not want to arm the Predator, neither the CIA, neither the White House. Guess what? We provided leadership, and the Committee on Armed Services required the Predator be armed, and the Predator became a key asset for us. But, now, the previous administration has been trying to take credit for it.

It was the Committee on Armed Services in 1999 that established the Gilmore Commission. The White House at that time did not want the Gilmore Commission. The White House said we do not need that commission. The Gilmore Commission was stood up, chaired by Governor Gilmore, bipartisan members. The Gilmore Commission issued three reports before 9/11. Unfortunately, the previous administration did not listen to the recommendations of the Gilmore Commission, many of which were repeated by the 9/11 Commission. If they had, we would have been better prepared for 9/11.

Third, it was the Committee on Armed Services, three times in three defense bills, that called for the creation of a national collaborative center to fuse intelligence data, three successive bills.

On November 4, 1999, in my office, I had the deputy director of the CIA, deputy director of the FBI, deputy director of Defense. We gave them a 9-page proposal to establish a data collaborative center, a national collaborative center, today called the TTIC. The CIA and the previous administration, 2 years before 9/11, said we do not need it.

So to somehow now say that this committee is not doing right because it is exercising its legitimate authority is absolutely wrong. I am glad our chairman had the guts to stand up for the intelligence needs of the military, and I am glad to stand here and support it, and I am glad the vote was 59 to zero.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today to voice my frustration over H.R. 10, the House Republican leadership's version of intelligence reform. Instead of following in the tradition of the 9/11 Commission, which issued a thorough, bipartisan recommendation, the House leadership shut Democrats out.

□ 1530

We were not allowed to help in drafting this legislation. This legislation actually undercuts the Commission's recommendations, the 9/11 Commission recommendations.

For example, the 9/11 Commission was adamant that an effective National Intelligence Director, or NID, be given powerful personnel authority. This bill does not do that. The 9/11 Commission was adamant that the NID be given substantial authority over the personnel of our national intelligence agencies. This bill does not do that. The 9/11 Commission was adamant that Congress increase its oversight over the intelligence community, but H.R. 10 limits congressional oversight.

I offered an amendment to H.R. 10 in the Committee on Armed Services to partially correct that problem and it was defeated by a party-line vote, but my amendment would have required that the first NID be confirmed by the Senate, a measure that was strongly recommended by the 9/11 Commission. H.R. 10, in contrast, gives the President, whoever he or she may be, the authority to make the CIA director the first NID.

Now, the first NID, the first director, is very important in this process because he or she defines that office. They indicate how serious our government is about intelligence reform, and it sends a message to our enemies that we are determined to root them out at home and abroad. This bill shuts Congress out from finding the best person for that job.

In actuality, this bill does a great disservice to the American people who are counting on and who actually want real reform and meaningful oversight of our intelligence community. I believe that this is the wrong way to move forward on such an important issue.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume to thank the gentlewoman for voting for our bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I thank the gentleman from California for yielding me this time and giving me the opportunity to speak on this bill.

I rise in strong support of H.R. 10 and the provisions within the legislation that will protect the Department of Defense's vital control of military intelligence capabilities. All of us in Congress must tread carefully as we evaluate how we will reform the United States intelligence community. When I first became a physician and took the Hippocratic Oath, I swore to do no harm. Today I think this oath is very relevant to our current efforts.

I believe that most Members of Congress see the tremendous value of the 9/11 Commission recommendations and they want to enact sound and carefully crafted legislation that will embrace the concept of a National Intelligence Director. However, we must not blindly surrender all authority to this new NID without considering the direct and specific needs of our brave troops stationed around the world. I believe, as written, the House version of the bill embraces this careful balance between giving the new NID ''proper'' authority over our Nation's intelligence assets and protecting the specific needs of our troops.

In a recent op-ed that the chairman, the gentleman from California (Mr. HUNTER), wrote, he summed up this intricate balance very well when he said, ''At stake is more than just a bureaucratic reshuffling exercise inside Washington. The reforms Capitol Hill ultimately endorses could impact how the Department of Defense provides critical up-to-the-minute intelligence to our troops, America's sons and daughters who are fighting insurgents and terrorists worldwide. Before leaping, Congress must be certain that any bill it passes does not endanger their lives and missions.''

One specific way that H.R. 10 ensures that the military's intelligence lifeline remains intact is it limits the funds the NID can transfer from the defense agencies that directly support our troops to $100 million a year, while simultaneously retaining the NID's flexibility to manage the overall funds.

Mr. Chairman, H.R. 10 is a carefully crafted bill, and I believe will go a long way in protecting our troops abroad and our citizens at home, and I urge my colleagues to vote ''yes'' on the legislation.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, the first time I saw H.R. 10, the base bill, was 5 minutes before markup. As I leafed through all 609 pages of it to see what was in it, I quickly saw there were two glaring deficiencies. The first is the National Intelligence Director. Oh, there is an NID in the base bill, but it

is an NID in name only. This bill does not have the superpowers the 9/11 Commission considered necessary to pull together the 16 component parts of the intelligence community to fuse foreign and domestic intelligence.

This NID is clearly lacking in those powers, and let me give two examples why I say that. One is the power of the purse, the power to make the budget. There is an old adage in the Defense Department called the golden rule, he who has the gold, makes the rules. Well, the NID in this bill does not have the gold, so he will not be making the rules that really matter. He does not have the power to set priorities or to make programmatic budget decisions. He is basically a facilitator; a coordinator.

The same diminished powers apply to personnel, the hiring, firing, and promoting; putting the team together that can get the job done. He is not a CEO. He is not even a coach or a quarterback. He simply does not have the power the Commission conceived necessary. The prime mover in the 9/11 Commission report in this bill has a name but he does not have substantive powers, which begs the question: Can the NID ''effect'' real change, radical change, without real power? I doubt it.

The other missing piece is nuclear nonproliferation. The other night the President and Senator KERRY agreed on one thing, that nuclear terrorism is the gravest threat facing this country. So what does this bill do about the gravest threat facing this country? Next to nothing. Oh, it calls for a study, but we have had countless studies. Howard Baker and Lloyd Cutler, you do not get more high powered than that in this town, did the last study and they called for us to triple the amount of money we spend on nuclear nonproliferation. It has not happened.

So the base bill slights the single most significant reform, the NID, and it ignores the gravest threat facing the country. That is why the White House, the Senate, and the 9/11 Commission support the substitute, and why I will support it and urge others to do the same.

Mr. SKELTON. May I make an inquiry, Mr. Chairman, as to the time remaining?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 1½ minutes remaining, and the gentleman from California (Mr. HUNTER) has 3 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), who has done a lot of work on this bill and who has been over to theater many times and has a personal stake in this war against terrorism.

Mr. WILSON of South Carolina. Mr. Chairman, I thank the gentleman from California for yielding me this time and, indeed, I am on the Committee on Armed Services, and very grateful to be serving on the Committee. At this time, I would like to take the opportunity to speak in strong support of H.R. 10, the 9/11 Recommendations Implementation Act.

Mr. Chairman, the House Committee on Armed Services, under the leadership of our chairman, the gentleman from California (Mr. HUNTER), was tasked with the consideration of title I of this measure. We had hearings during the break in August. We had a great deal of input from so many different people. This was an open process, and we achieved, I think, a great deal.

I particularly note we achieved the creation of a National Intelligence Director separate from the director of the CIA. This legislation creates a National Counterterrorism Center within the Office of the National Intelligence Director to integrate all Federal agencies that deal with intelligence services. There are 15 that need to be coordinated.

The Committee on Armed Services considered all the recommendations, and were careful to ensure we were strengthening our national intelligence infrastructure, particularly with respect to the men and women in uniform. The Department of Defense operates the majority of national intelligence capability and uses those assets to support troops engaged in combat in addition to supporting the director of the CIA. It is critical that the Department of Defense maintain the ability to provide the best intelligence directly to our troops on the ground as they wage the war on terrorism.

The Committee on Armed Services, as you heard, 59 to nothing, approved this unanimously in committee. As the father of three sons currently serving in the military, I want to thank again Chairman HUNTER for his leadership on behalf of our troops. He has a special insight, in that our chairman is a veteran himself, and his son has just returned from distinguished service with the U.S. Marines in Iraq.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Chairman, I rise today in support of this measure, not because I endorse all of its provisions, but because I believe that the Congress must act swiftly to reform our intelligence community and to protect our homeland.

As a member of the House Committee on Armed Services, I do want to point out that H.R. 10 does not go far enough to combat the threat of nuclear weapons proliferation, and it could have. I also have reservations about the potential impact of some of these provisions on civil liberties. However, I am pleased that H.R. 10 recognizes the need to improve our diplomatic, educational, and cultural exchange initiatives with other nations, and would also enhance our human intelligence capabilities, for it is in these areas that we will help in ensuring that we win the long-term war on terror.

I am deeply, though, disappointed that the House leadership has denied the minority a voice in drafting this bill and has ignored many of the recommendations of the 9/11 Commission while adding extraneous provisions. But I am confident that when the bill gets to conference that we will be able to improve this legislation in negotiations with the Senate and the White House.

Mr. SKELTON. Mr. Chairman, I yield 15 seconds to the gentleman from Tennessee.

Mr. COOPER. Two corrections, Mr. Chairman.

First, the statement of administrative policy is dated September 28 endorses S. 2845. The closest thing we can vote on in the House to that is the Menendez amendment.

Also, in the Committee on Armed Services, we reported out the bill 59 to zero, but the real vote in committee was 33 to 26, a more closely divided issue.

Mr. SKELTON. Mr. Chairman, I yield myself the balance of my time.

Let me make this prediction. Unless the Menendez substitute is adopted by this House, this bill, at the end of the day, will go nowhere and the United States of America will be without intelligence reform.

We saw what the Senate did, we know what the White House wants, we know what the families of 9/11 have endorsed. And I hate to say it, but this may lead to a graveyard for legislation.

Mr. HUNTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, if people are looking at the Menendez substitute, which is going to come up here and is going to, in my estimation, tear apart that partnership that the military has with the intelligence agencies in maintaining the lifeline between our troops and their assets; if the American people are reading that, one thing that may strike them as just remarkable and somewhat illogical is the idea that we will reveal to the world, under the Menendez substitute, under, I guess, what is called a transparent government, our intelligence numbers, or how much we spend on intelligence.

This is a figure we have been trying to keep out of the hands of the bad guys for a long time. Americans who are looking at this bill as a response to the attack on 9/11 on American soil are probably puzzled as they watch from around the Nation saying, let me see, how are we possibly going to prevent an attack on America by telling the bad guys what our intelligence number is and allowing them to peel that onion back and then discover what our priorities are, and what our strengths are, and, ultimately, what our weaknesses are? That makes no sense whatsoever.

The provision we have carefully crafted here maintains that delicate balance for America's security. Support the base bill. Do it for our troops.

The CHAIRMAN. The time for general debate for the Committee on Armed Services has expired.

□ 1545

Under the rule, the Chair recognizes the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), for 15 minutes each.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume. I rise to address those provisions of H.R. 10 favorably reported by the Committee on Financial Services that have been included in the legislation that we are considering today. The committee's additions to H.R. 10 continue the work it, and Congress, began in the tense hours and days after the tragic attacks of September 11, 2001. During that unsettled time, the committee pulled together to produce comprehensive, bipartisan legislation that aimed to disrupt the financing of terrorism and to strengthen the country's anti-money laundering laws. That bill, H.R. 3004, later became title III, the anti-terror finance title of the USA PATRIOT Act, signed into law less than 7 weeks after the attacks.

It is a testament to that legislation that the 9/11 Commission report issued a month ago cited it with approval and said that on anti-terror finance and anti-money laundering issues, the various elements of the government generally are doing a good job.

But we must not be complacent. The 9/11 Commission's final report states that ''vigorous efforts to track terrorist financing must remain front and center in U.S. counterterrorism efforts.'' The commission urged Congress and both the law enforcement and intelligence communities to engage in an ongoing and rigorous examination of the financial system for ''loopholes that al Qaeda can exploit, and to close them as they are uncovered.''

In response to this challenge, the Committee on Financial Services assembled a bipartisan legislative package that centers on four broad themes: one, additional funding for the fight against terrorist financing; two, new tools for the government to combat terrorist financing schemes; three, improved international cooperation and coordination on anti-money laundering and counterterrorist financing initiatives; and, four, enhanced preparedness of the financial services sector in the event of another large-scale terrorist attack.

Among the key provisions in H.R. 10 that reflect contributions by the Committee on Financial Services are the following:

Technical amendments to the anti-terror finance title of the USA PATRIOT Act, which was largely drafted in the Committee on Financial Services;

Authorization of additional funding for Treasury's Financial Crimes Enforcement Network, which serves as the Federal Government's financial intelligence unit and plays a critical role in the collection and analysis of data on suspicious financial activity;

A reauthorization of the national anti-money laundering strategy, along with grants to State and local law enforcement agencies to investigate the financing of terror and other financial crimes;

Additional enforcement tools to prevent the counterfeiting of U.S. currency;

Enhanced authority for the SEC to respond to extraordinary market disruptions caused by terrorist attacks or other catastrophic events; and

Codification of strong interagency cooperation and communication on international financial standard-setting matters related to anti-terrorist financing where the Treasury Department is in the lead.

At the committee's markup last week, several thoughtful and largely noncontroversial amendments were adopted, including one offered by the gentlewoman from New York (Mrs. KELLY) that seeks to address the vulnerability identified by the 9/11 Commission of the international funds-transfer system to terrorist financing; related amendments by the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Illinois (Mr. EMANUEL) to promote greater public-private coordination on preparedness issues relating to the financial services sector; an amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from New York (Mr. KING) to strengthen interagency cooperation and clarify negotiating authorities between the State Department and the Treasury Department with respect to international financial institutions and other multilateral financial policymaking bodies; and a bipartisan amendment offered by the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Mrs. KELLY) to prohibit Federal bank examiners who serve a lead role in the supervision of an insured depository institution from accepting employment with that institution for 1 year after leaving the government.

In sum, Mr. Chairman, the Financial Services Committee's contribution to H.R. 10 makes needed changes that respond directly to the 9/11 Commission's call for a continuous examination of the U.S. financial system to identify loopholes capable of being exploited by al Qaeda and other terrorist organizations, and to close those loopholes both at home and abroad.

As for the larger body of legislation, I support H.R. 10 and urge its swift passage, a speedy conference, and quick adoption of the conference report. That will require a lot of work over the next several weeks, but it is work that is absolutely vital to the security of our Nation.

Finally, I hope the conferees will be able to resist the suggestions of some that the final legislative package be limited strictly to reshuffling the intelligence community's architecture. There are very important pieces of anti-terror legislation in H.R. 10 from a number of committees of jurisdiction, and the fact that they do not deal precisely with who directs the course or funding of the intelligence community does not mean they are any less important, or that they can wait for another year.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sections of this bill that are relevant to the jurisdiction of the Committee on Financial Services are useful ones and not controversial. Indeed, in our committee, as the chairman has mentioned, we adopted a couple of amendments which make some improvement. Some of them, while not directly related to terrorism, the amendment by the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from New York (Mrs. KELLY) regarding conflict of interest potential at the Comptroller of the Currency is a very good piece of legislation. It is not directly relevant to terrorism, although it does not detract.

But I am troubled by the choice the House is being forced to make on this in general. I believe that overall, the bill that will be offered by the gentleman from New Jersey, who will be speaking to it shortly, is a far better response to the terrible tragedy of 9/11 and subsequent than the bill that the majority has put forward. It reflects the deliberations of that 9/11 Commission far better on the central issues involving intelligence, involving the way in which the government is organized in the security areas. It has the potential to be genuinely bipartisan as we saw from the other body.

And, in fact, what we are being asked to do is something we have been asked to do all too often recently. What we ought to be doing is what was done in the Senate. We ought to have a bill before us that is amendable. That is what many of us asked to have before us. Instead, we get two packages, and in the end Members will have to choose all or nothing. I will choose the bill when we come to vote on the substitute that more nearly reflects the 9/11 Commission, indeed, very closely tracks the 9/11 Commission.

It has several advantages. It does follow the extensive deliberations of the 9/11 Commission in a thoroughly bipartisan manner. It also makes it likelier that we will get a law passed, because if the bill put forward by the majority passes, the differences between House and Senate versions will be quite substantial and the likelihood of a conference report being adopted before the election in time for that bill to go into effect this year will be slight.

I do not understand why we have not been able to follow in this bill and in

many others the normal democratic process in which a bill comes forward and we are able to amend it and vote on amendments. That is the way it used to be. I can remember when we would do that. Today, what we are told by the rule is you will choose one package or another, and neither package will be perfect. Given that choice, I much prefer the 9/11 bill as opposed to what we are being given by the majority as their version.

But I regret very much the continued loss of democracy in the House. I regret very much the failure to follow what a parliamentary democracy ought to follow. Bring a bill to the floor, and let it be amended. As we try to bring democracy to parts of the world that have not had it before, I fear that we set them a very poor example; and I have to hope, Mr. Chairman, that they are paying less attention to us than I would like to be able to say.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to thank Chairman OXLEY, Ranking Member FRANK, and the staffs of the committee for their work in producing an outstanding package of financial services initiatives that were reported out of committee on a bipartisan basis and included in H.R. 10.

Mr. Chairman, the 9/11 Commission recognized our country's success in tracking and freezing terrorist finances in the post-9/11 period, and that was certainly welcome news. But the sad truth remains that we are only as strong and successful as our weakest link. Our weakest link may be a country, or several countries, with antiquated financial systems, a weak economy, or inadequate oversight and enforcement of the money that flows within their borders.

Through diplomatic and other means, we are aiding other nations and encouraging them to join in our fight against money laundering and terrorist financing. The 9/11 Commission testified before our committee that there must be experts at the forefront of our efforts to continue to counter terrorist financing. We must keep our Treasury experts, in collaboration with our State Department experts, on the front lines in our dealings with international financial bodies, especially when those bodies are making decisions with regard to anti-terrorist financing.

With that in mind, the committee adopted an amendment that I offered along with my colleague from New York (Mr. KING) that seeks to ensure that the Treasury Department's role as the lead Federal agency in international financial matters is clear. By confirming that the Secretary of the Treasury is the lead U.S. representative and negotiator to international financial institutions and multilateral financial policymaking bodies, we will ensure that the U.S. has consistent financial leadership, a consistent financial message, and endorses consistent financial policies.

Secondly, I want to point out that this bill now contains important language that will encourage best practices in building private-public partnerships to detect counterterrorist financing activities and enhance financial sector disaster preparedness and response. The Department of the Treasury and ChicagoFirst are one such partnership that can serve as a model for other agencies and industries.

I urge my colleagues to support H.R. 10.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3½ minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, today we must undertake the most important task entrusted to us, our responsibility to protect the American people and our country, to defend our borders, and to preserve our way of life against those who already have, and those who would again, do us harm. Specifically, we must address the shortcomings in our Nation's defenses that were exploited by murderers who killed 3,000 unsuspecting, innocent people on American soil on September 11, 2001. Too many of these shortcomings have simply gone unaddressed in the last 3 years.

After months of painstaking and bipartisan work, the 9/11 Commission produced a thoughtful road map to guide our efforts at shoring up our intelligence and homeland security capabilities. The Senate accepted this road map, began working immediately in a bipartisan manner on it, and has produced legislation supported by the families of the 9/11 victims, the commissioners, and 96 Members of the Senate. Regrettably, yet again, the House Republican leadership has chosen to legislate in an exclusionary, partisan process, resulting in a bill that not only falls short of many of the 9/11 Commission's recommendations but also contains divisive, extraneous provisions.

Many of my colleagues on both sides of the aisle have expressed their concerns about the unnecessary expansion of law enforcement authority, the undermining of immigrants' fundamental rights, and the erosion of basic civil liberties contained in H.R. 10. I share those concerns. I am also troubled that this House bill fails to adequately address the gravest threat to our national security, terrorists acquiring weapons of mass destruction. Interestingly enough, both Senator KERRY and President Bush in the last debate made it clear that they thought that was the highest priority. Yet this bill on the floor does not address it. Luckily, the substitute does.

H.R. 10 fails to strengthen the Nunn-Lugar cooperative threat reduction program which is designed to prevent these weapons from falling into the hands of terrorists, as the commission recommended and as the Senate bill does. The Menendez alternative addresses the issue of expanding our ability to acquire and get off the market for terrorists such nuclear weapons.

This legislation represents a missed opportunity to learn lessons from September 11 and to implement meaningful improvements to our ability to better detect, prevent, and respond to future terrorist attacks.

I urge my colleagues to support the Menendez substitute. It can clearly pass the Senate; 96 Senators have already supported it.

□ 1600

At a time when time is of the essence, we ought to act in as bipartisan and cooperative a fashion as we can. The Menendez substitute mirrors the bill passed in the Senate which incorporates the recommendations of the 9/11 Commission, and it will allow us to better fulfill our sacred duty of protecting the American people and doing so in a very efficient, effective, and quick fashion. We ought to adopt the Menendez substitute.

And I thank the gentleman from New Jersey for his leadership on this critically important effort. I know that he lost many constituents in that tragic event, and I thank him for following up so diligently since then to ensure that it does not happen again.

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Financial Institutions and Consumer Credit Subcommittee.

Mr. BACHUS. Mr. Chairman, let me first start out by saying that the 9/11 Commission said that the work of the Committee on Financial Services and the legislation that we passed in the aftermath of 9/11 had worked very well, very well, to make it much harder today, and this is some very good news for all Americans as a result of the Patriot Act and also President Bush's Executive Order 13224, they said the combination of our efforts and the efforts of the Treasury Department, of FinCEN and OFAC, the Justice Department and the State Department and others, that today it is much harder, much harder for al Qaeda to raise money. It is much more difficult for them to conceal that money and it is much more difficult for them to move that money. They said that we had identified almost 400 terrorist financiers or people that facilitated the funding of terrorists. We have made it much harder, and we have chilled donations. We have decreased donations to a great degree.

And let me deal with just two of those. One is the Executive Order that President Bush offered only 2 weeks after 9/11, 13224. As a result of that, we have actually identified millions of dollars, not only here but overseas, of al Qaeda money. We have seized that money. We have designated terrorist facilitators, and, finally, we have actually under that and under PATRIOT

Act title III, section 311, we have identified banks that were actually involved in taking money for the terrorists and transferring that.

We only have seven countries today in the world that have not cooperated with us in one respect or another. We have come from 58 countries at the time of 9/11 that were actively involved in tracking and seizing terrorist financing to about 100 countries that are doing an exceptional job. And, in fact, 209 countries are actually making financing efforts to combat terrorist financing, 174 countries. We have built quite a coalition when it comes to disrupting terrorist financing, 174 countries. Contrast that to 58 countries at the start of our efforts. Today, 174 countries are seizing terrorist finances and have offered freezing orders. We have had great successes.

The 9/11 Commission did say that it was essential that we allow the Treasury Department, FinCEN to have some new ways of working with foreign governments, and the gentleman from Ohio (Chairman OXLEY) has included in this provision, and this is very important that we get this through, actually some implementation legislation that will allow us to better cooperate and coordinate with those foreign governments that want to ally with us and our efforts. As a result of the train bombings in Madrid, the bombings in Moscow, the bombings in Casablanca and Istanbul, these countries are ready to help us, but we do need to change these laws.

I would urge us to pass this legislation. It passed out of committee overwhelmingly in a bipartisan way. It is very important.

And I would close by saying that we have got a counterfeiting measure in this. The law says we have got to catch the counterfeiters. Just the fact that we have counterfeiting equipment is not enough. It is in this provision. We need to pass this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. MENENDEZ), who has been a leader on this issue and who is the author of the very important substitute amendment which genuinely embodies the recommendations of the 9/11 Commission.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me this time.

As my colleagues know, the minority party always asks for a substitute to be made in order. To have asked for anything less than the 9/11 Commission's recommendations would have been to do a disservice not only to the 9/11 families but to the memories of over 2,900 people that were murdered on that fateful day over 3 years ago.

And I think there is a real consequence to enacting the Republican bill, legislation whose title suggests enactment of the 9/11 Commission report but that leaves us far short of where the 9/11 Commission and the families have said we need to be. Instead, the People's House needs to serve this Nation and those families well by truly protecting our country from further terrorist attacks. On this issue, we need to put partisanship aside.

I want to be perfectly clear to all my colleagues in the House about what exactly my substitute amendment is and what it does. My substitute is identical to the bipartisan Shays-Maloney substitute amendment that was taken before the Committee on Rules, endorsed by the 9/11 commissioners and the 9/11 families. That is, in essence, the Collins-Lieberman-McCain legislation that passed so rigorously yesterday in the Senate. In fact, the gentleman from Connecticut (Mr. SHAYS) and other Members wrote asking that the Shays-Maloney substitute be made in order, and I would suggest that the Committee on Rules did exactly that by making the Menendez substitute in order. And after a 96 to 2 vote yesterday in the Senate on legislation that is the essence of this substitute, the principles and provisions of this amendment are also supported by Senate Republicans and Senate and House Democrats.

Unfortunately, the House Republican bill, H.R. 10, includes provisions that are unnecessary, unrelated to the bill's stated purpose, which is the reorganization of the intelligence community aimed at strengthening the Nation against terrorist attack. In doing so, there are over 50 extraneous provisions that were not recommended by the Commission included in that bill, many of which are highly controversial.

H.R. 10 also leaves out many of the bipartisan recommendations of the unanimous 9/11 Commission. In fact, out of the 41 recommendations, it appears that only 11 are implemented; 15 are not implemented at all, and 15 others are done incompletely. In fact, the base bill that we consider today is weaker than the 9/11 Commission's recommendation, weaker than what the Senate passed. It does not provide the National Intelligence Director with budget execution authority and only provides the NID the unilateral authority to nominate the CIA Director. That is in direct contravention of the statement of administration policy put out by President Bush where he says that they support the Collins-Lieberman bill and specifically oppose any amendment that weakens the establishment of the NID with full, effective, meaningful budget authority and other authorities to manage the intelligence community, including the statutory authority for the newly created National Counterterrorism Center. They are running against the President on this.

The Director of the National Counterterrorism Center is not appointed by the President, not confirmed by the Senate, does not have budget authority or hiring authority. Their legislation does not create an information-sharing network, a new trusted network with common standards to share information within the intelligence community.

Their legislation only requires the Transportation Safety Administration to give priority to explosive detection, but it does not, as the commission called for, require improved detection capabilities.

Their legislation does not create an independent civil liberties board. It does not declassify the intelligence budget topline.

So, today, we have an opportunity to see who really supports the 9/11 Commission's recommendations and who does not. Those who support the 9/11 Commission's recommendations will have the opportunity to do so when the Menendez substitute comes to the floor. That is the one that has passed in the Senate. That is the one supported by a unanimous bipartisan vote of the 9/11 Commission. That is the one that is supported by the overwhelming majority of the 9/11 families. That is the one that best protects the Nation and creates the changes necessary to ensure that this Nation is safe, secure, as that Commission, after thousands of hours and thousands of pages, decided.

Mr. OXLEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, my home State of Wyoming is the least populated State in this Nation but a proud provider of many of the resources on which America depends.

Wyoming and our neighboring States produce the bulk of our Nation's agricultural and energy resources. We have vast deposits of coal, uranium, and natural gas. Significant portions of our Nation's power plants, pipelines, highways, and railroads cross Wyoming and rural States. We manage and preserve national parks and landmarks, where countless numbers of visitors can be found at any given time.

But perhaps most importantly, however, rural America houses our military landbased nuclear weapons, which are absolutely necessary for our Nation's defense system.

I had submitted an amendment to the Committee on Rules to ensure our first responders in Wyoming, Montana, North Dakota, Nebraska, and Colorado, which house America's nuclear arsenal, had the resources they needed to prepare for a possible threat against these nuclear weapons. In rural America, first responders cannot even communicate sometimes between one department and another like policemen and firemen. We have not had the money to develop those communication systems yet. We have started, but with lower funding in this bill, we will not be able to finish that. Needless to say, I was gravely disappointed when my amendment was not allowed on the floor for a fair debate today. That decision was

a vote against the safety of Wyoming citizens and the rest of rural America. In fact, I believe rural America became the whipping post for the large populated areas.

While the needs of first responders in high-population States such as California and New York are addressed in this bill, first responders in rural America are left with the scraps. Rural Americans are spread thin over a lot of land. We have 490,000 people in Wyoming spread over about 100,000 square miles. So one can imagine the difficulty of trying to protect resources and people spread over that area. Money to pay for first responders cannot be appropriated on a per capita basis, as has been suggested.

Rural first responders are the brave individuals who protect our communities after an attack, and those men and women deserve the same respect and resources in Wyoming and rural America as they do in New York.

I thank the chairman for yielding me this time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. GUTIERREZ), one of the members of the Committee on Financial Services who has been most active on this issue in a very informed way.

Mr. GUTIERREZ. Mr. Chairman, H.R. 10 should be about restructuring our Nation's intelligence agency, strengthening our homeland, and better protecting our citizens by following the framework recommended by the 9/11 Commission. However, as currently written, H.R. 10 violates our Constitution and attacks immigrants by subjecting immigrants living here less than 5 years to expedited deportation at the hands of overworked immigration agents and without access to a judge.

□ 1615

Restricting States from issuing driver's licenses to immigrant drivers, placing public safety at risk.

Prohibiting Federal acceptance of consular cards and other identity documents issued by foreign governments other than passports, no matter how secure these documents are when trying to secure a Federal entrance even to a Federal building.

Deporting asylum seekers to their torturers and authorizing the deportation of immigrants to countries that lack a functioning government, all without judicial review.

Prohibiting habeas corpus review of a variety of immigration issues.

These anti-immigration issues do nothing to protect our homeland. In fact, leaders of the 9/11 Commission wisely called on House Republicans last week to remove these controversial provisions from the bill for fear it would slow its progress through Congress.

As if that is not enough, family members of 9/11 victims recently sent a letter to this body urging a ''no'' vote if these provisions that I have mentioned are not stripped from the bill. I applaud the commissioners and the 9/11 families for their courageously speaking out strongly against these dangerous provisions. It is unconscionable that certain Members this body would politicize national security in a misguided attempt to advance their malicious attacks on our Nation's immigrant community in the name of public safety.

Immigrants died and lost family members in the Twin Towers, they helped rebuild the Pentagon, and they serve on the front lines in Afghanistan, Iraq and the global war on terror. It is shameful that legislation that rose directly from the tragedy of 9/11, legislation that bears the name of the darkest day of our Nation's history, legislation designed to ensure that we are never again attacked on our soil, would be so malicious an attempt against a group of serving, sacrificing, and helping people and try to put on their shoulders the responsibility of the post-9/11 world.

Republicans in this House still have time to do what is right and reasonable, as the Senate has done in their legislative package, by capturing the recommendations without attacking our Nation's newcomers.

Republicans and Democrats alike should vote for the Menendez substitute, the components of which have been endorsed by the commission and even the White House. If Republican leaders insist on playing politics with this critical legislation, I will vote against H.R. 10, as it is anti-immigrant, un-American, and flies in the face of 9/11 families and the commission's hard work. I would urge my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentlewoman from New York (Mrs. MALONEY), for the purpose of making a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in support of the substitute.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, you have heard from the gentleman from New Jersey and the gentleman from Maryland the criticisms of what are not in the majority's bill. Much of what the 9/11 Commission asked for is not in the bill. I want to talk to my objections about what is in their bill that was not in the 9/11 Commission report, and not just to the specifics, but the procedure.

The House has been put into a position time and time again of being given legislation, and it is kind of like being a dog given a pill. When people want to give medicine to a dog, they wrap it in something the dog wants to eat.

When the majority has controversial pieces of legislation that could not pass on their own, they wrap it in something which Members will be afraid to vote against. And that is what we have in this bill. Not in our section dealing with financial services, but in the majority's bill is an example of a tactic that has been used repeatedly. You take controversial things, things that ought to be fully debated, things that many Members would not support on their own, and you wrap them in something which has a great deal of political appeal to try and coerce Members into voting for it.

It is in repudiation of that tactic that I and many others, if the substitute fails, will vote against the basic bill, because I am tired of being given legislation that resembles nothing so much as a pill being fed to a dog.

Mr. OXLEY. Mr. Chairman, I yield myself the balance of my time.

This section of the bill we are debating from the Committee on Financial Services was a great bipartisan effort. We had testimony from Lee Hamilton, our former colleague, who was praiseworthy of what our committee was able to do in the PATRIOT Act and moving forward and trying to deal with terrorist financing.

I think this process has been pretty good. I think that, overall, I understand over 200 Members have been able to offer amendments in the committee process, with regular order in the committee process. Our committee was no exception. I think the product that we have come up with in H.R. 10 is positive.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to make it clear that my criticisms do not extend to our part of the bill. I lament that the House in general has not followed the example we have set.

Mr. OXLEY. Mr. Chairman, I yield back my time.

The CHAIRMAN. The time for general debate for the Committee on Financial Services has expired.

The Chair recognizes the Committee on Government Reform. The gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 15 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of H.R. 10, the 9/11 Recommendations Implementation Act. The purpose of this landmark legislation is to address the problems and weaknesses identified by the National Commission on Terrorist Attacks Upon the United States by improving the intelligence and security operations of the Federal Government.

I am proud of what we have achieved in this legislation on behalf of the American people, who understandably are clamoring for change. It accomplishes the goal of revamping our intelligence network and makes other

changes necessary to protect our national security.

I would like to elaborate on a few of the provisions of the larger bill that fall within our jurisdiction at the Committee on Government Reform and why we believe they are critical to this effort.

One is executive reorganization authority for intelligence agencies. H.R. 10 would give the President the power to submit reorganization plans, limited to the intelligence community, to Congress for a guaranteed up-or-down vote.

We cannot afford to assume this legislation is a panacea that will somehow be the last word on intelligence reform. Reorganization authority is authority every President had government-wide from 1932 to 1984. It enables the executive branch to come forward with a plan that would come to Congress for an up-or-down vote without amendment. The President should have the ability to make further tweaks to the organization without having to worry about his proposal getting watered-down or just plain blocked in Congress over petty jurisdictional fights between committees. Congress, of course, retains the ultimate say.

We have enhanced information-sharing. This legislation would task the President with establishing a trusted and secure information-sharing environment to promote the sharing of intelligence information and to change the culture in the Federal Government from a ''need to know'' to a ''need to share'' basis. This initiative is the result of collaborative efforts of multiple committees of jurisdiction.

The rationale for this language is straightforward. As a Nation, we must be able to identify terrorist threats and defeat them. Our success depends on collecting, analyzing, and appropriately sharing information found in data bases, transactions, and other sources.

Streamlined financial disclosure for appointees in the intelligence community. Just about anyone who studies the Presidential appointments process realizes that it is broken. It takes too long to confirm individuals to key positions, and the process itself often drives away some of those best qualified to serve. Financial disclosure requirements are supposed to protect against conflicts of interest concerns; but they have become proxy statements for a nominee's net worth, with more detail than is necessary, extending the vetting process so that nominees cannot even move forward to Senate confirmation. This legislation would return to the original intent of financial disclosures.

An improved security clearance process. This legislation would assign security clearance management and oversight to the Office of the National Intelligence Director. The NID would set uniform standards and policies and require reciprocity among agencies. This would enable an individual with a top secret clearance at, say, Treasury to retain that clearance should he or she move to another agency.

Previous efforts to enforce reciprocity have failed, but this legislation finally addresses this important part of the process by putting an end to the time and money-wasting practice of redundant security clearance investigations and adjudications. This redundancy drives up the cost of doing business, and this cost is ultimately passed on to the taxpayers.

New Federal standards for identification cards and birth certificates. We need to have confidence that when someone shows a State driver's license to board a plane or a State birth certificate to get a passport, that the ID is valid. We need to know that people are who they say they are.

Is this a national ID card? No. We are simply saying the Federal Government must have documents that it can trust, and it is perfectly within its right to establish minimum standards for Federal acceptance.

This important provision would provide grant money to help States meet the new Federal guidelines and gives them 3 years to comply. Though States have made strides in improving the security of driver's licenses and identification since 9/11, the commission outlined the need to establish minimum standards as a framework for improvement.

This language was crafted with the assistance of the American Association of Motor Vehicle Administrators and the National Association For Public Health and Information Systems who administer these programs for the States. They have been hard at work developing studies, best practices and guidelines on this issue, especially since the terrorist attacks on our Nation; and this legislation closely follows those recommendations for action. Importantly, this provision is also strongly supported by the 9/11 victims' families.

A revitalized FBI workforce. H.R. 10 would provide for retention bonuses and critical pay authorities to help the FBI improve its intelligence directorate. It also would allow for delays in mandatory retirements and the creation of a Reserve Service so the agency can reactivate retired employees with very specialized skills.

The improvements to the operations of the Federal Government that are included in H.R. 10 are essential to making this country safer. I urge my colleagues to support this carefully crafted legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself 3½ minutes.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, the House is taking up legislation of enormous importance: how to make our Nation safe from future terrorist attacks. Outside of this body the effort to protect our Nation has been a united, bipartisan effort. Against the odds, the 9/11 Commission produced unanimous recommendations about how to protect our Nation. The Senate has carried their work forward. By an overwhelming 96 to 2 vote, the Senate has approved legislation embodying the commission's recommendations. Unfortunately, this bipartisan process has been hijacked in the House.

There are just three numbers that you need to remember: 41 were the recommendations from the 9/11 Commission; 11 were the number of recommendations out of the 41 that they implemented; and 50 are the number of extraneous provisions inserted into the bill.

The missing components are no minor oversights. H.R. 10 does not give the National Intelligence Director the full authority recommended by the 9/11 Commission. It falls short on border security, on aviation security, and on emergency response.

During the first Presidential debate, both President Bush and Senator KERRY agreed that preventing nuclear proliferation was the single greatest threat facing our Nation, yet incredibly the Republican bill does not implement the recommendations for stopping nuclear proliferation.

For the next 30 minutes we are going to talk about the areas of the bill in the jurisdiction of the Committee on Government Reform. Here the same pattern emerges. Key recommendations from the 9/11 Commission are ignored, while damaging extraneous provisions are inserted.

One of the major recommendations of the 9/11 Commission was to improve information-sharing among intelligence agencies. In our committee we unanimously adopted an amendment to implement the information-sharing provisions recommended by the commission. These essential provisions, however, even though adopted unanimously by the committee, were dropped by the Republican leadership on the way to the House floor.

At the same time, H.R. 10 includes extraneous provisions that are both dangerous and controversial. In one provision, and most people may not even be aware of it, the legislation establishes a fast track legislative procedure that allows the executive branch to undo all of the bill enacted in the legislation. The President can then send legislation to Congress that reverses the reforms we have just enacted, and Congress would be prohibited from amending the President's proposal.

□ 1630

And here is another inexplicable extraneous provision. The bill actually repeals financial disclosure requirements for the intelligence agencies. Under this legislation, top intelligence officials no longer have to reveal if they own assets worth over $5 million, $25 million, or even $50 million.

The substitute amendment that will be offered by the gentleman from New Jersey (Mr. MENENDEZ) addresses all of the Commission's recommendations, it has the same structure and provisions as the Senate legislation that passed 96 to 2. It is that legislation that we should be enacting today.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. SOUDER), an able member of our committee.

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. First, I want to thank the gentleman from Virginia (Chairman DAVIS) for his leadership on this bill and the leadership in working with us on a number of amendments. I want to go on record before I get into my particular area on two things.

The 9/11 Commission report is a great book, it is a great starter, but it is not the Bible, and it is not perfect, and we need to forward. On this question of defense intelligence, they completely missed. If we compromise and put the people that vote in my district at risk because we make a mistake in intelligence, they may die because of our error and we have to address that.

Secondly, these immigration reforms and security changes are absolutely essential, because everything we are spending on homeland security breaks down if we do not know that the person actually is the person they say they are. We are dependent then on them telling us the truth about their background. We need secure IDs and we are trying to address that.

As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, I would like to highlight two provisions of the bill that address the dangers drug trafficking poses to homeland security. Many of us forget that many of the largest anti-narcotics agencies and over 20,000 people in the United States die a year from the narco-terrorism on the streets. Furthermore, this money often funds these terrorist groups, and legacy Customs, legacy Border Patrol, legacy Coast Guard are all in the Department of Homeland Security.

We need two things to make sure it stays part of it. First, that it strengthens and clarifies the role of the counternarcotics officer who is in the Department of Homeland Security to coordinate these efforts; and the second requires that drug enforcement activities be one of the benchmarks for relevant employee performance appraisals at DHS. It was appalling that inside the Department of Homeland Security, narcotics enforcement had been neglected and not even mentioned in the whole system, yet these agencies absolutely are the first line of defense.

Now, specifically, what this does is change the personnel incentives and also takes this counternarcotics officer and makes him a director of counternarcotics enforcement subject to Senate confirmation reporting directly to the Secretary assigned specific responsibilities to the new director because, up until now, he has been detailed and had to battle for each employee and authorize permanent staff to be assigned to him as well as detailees from the relevant agencies.

Mr. Chairman, we cannot afford to take our eye off the daily battle on our streets as we try to deal with the new world challenges, particularly when our drug habit is financing many of these terrorists efforts around the world.

Mr. WAXMAN. Mr. Chairman, I am pleased at this time to yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY) who has taken such a strong leadership role in this legislation and is a cosponsor of the Shays-Maloney bill, which is part of the Menendez substitute.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time and for his outstanding leadership in so many areas, especially health. We really appreciate it.

Mr. Chairman, reform for our Nation's security and intelligence is now the sole responsibility of the House of Representatives. The other body, both sides of the aisle, unanimously, almost with complete and total support, passed the strongest intelligence reform in our Nation's history, with a vote of 96 to 2.

The Collins-Lieberman bill is before the House today in the form of a bipartisan substitute, the Menendez substitute. It will make our country safer by creating a strong national intelligence director with full personnel and budgetary authority and a National counterterrorism Center that will share intelligence.

Regrettably, the House leadership bill has no such authority. Last week, the 9/11 Commission chairman, Governor Kean said, ''If the National Intelligence Director does not have budgetary authority, you might as well not do anything.''

If we pass today the Collins-Lieberman-Menendez bill out of the House, we can get it to the President's desk for his signature before we adjourn. The bipartisan 9/11 Commission members support the substitute. The White House has lined up behind it. So has the 9/11 family members, the steering committee, as well as editorial boards across this Nation. The only lone wolf muddying the process with extraneous, unrelated, controversial provisions is the House Republican leadership.

The Commission made 41 recommendations. Of these, the House Republican leaders fully implemented only 11. This is the exact opposite of what the Commission recommended. They recommended a package. Instead of implementing the key Commission recommendations, the House Republican leaders added over 50 extraneous provisions that are not mentioned anywhere in the 9/11 Commission report. Even the President has asked the House leadership to strip these provisions out of the bill.

Mr. Chairman, I will place in the RECORD a letter from the White House in support of Collins-Lieberman, a Washington Times article, and an L.A. Times article that speaks to the administration's support for Collins-Lieberman and against the many add-ons that have been loaded on to the Republican bill. Some of the 50 extra provisions are innocuous, but many are controversial poison pills that will only sidetrack and delay the legislation.

The truth of the matter is that if the Republicans really cared about these extra provisions, they could have passed it 3 years ago or added it on later. Yesterday, Chairman Kean said that the Senate bill is a giant step forward and the right vehicle for our recommendations. He called the bill that passed out of the Senate that is before us today a dream, and if this is the dream, then I say that the House leadership bill is an absolute nightmare that will only delay and hurt the process and will make it harder for us to make this country safer and enact a law that implements the 41 recommendations of the 9/11 Commission.

THE WHITE HOUSE,
Washington, October 1, 2004.

TO THE EDITORS OF THE WASHINGTON POST: Yesterday's Washington Post inaccurately reported that the Bush Administration supports a provision in the House intelligence reform bill that would permit the deportation of certain foreign nationals to countries where they are likely to be tortured.

The President did not propose and does not support this provision. He has made clear that the United States stands against and will not tolerate torture, and that the United States remains committed to complying with its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Consistent with that treaty, the United States does not expel, return or extradite individuals to other countries where the United States believes it is likely they will be tortured.

As the President has said, torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

[From the Washington Times, Oct. 4, 2004]

HOUSE TOLD TO ALTER INTELLIGENCE BILL

(By Stephen Dinan)

The White House has told House Republicans that it wants them to remove provisions in their intelligence-overhaul bill that would crack down on illegal aliens' obtaining drivers' licenses, allow easier deportation and limit the use of foreign consular ID cards.

The Senate's bill lacks those provisions, and as the two chambers race toward trying to pass a bill before the Nov. 2 election, the measures are a potential stumbling block.

The White House wants those provisions out, according to a congressional source familiar with the bill.

''They have expressed desire to kill some of the immigration provisions and gut some of

others,'' the source said, speaking on the condition of anonymity.

Rosemary Jenks, a lobbyist for stricter immigration controls for the group NumbersUSA, who has been tracking the bill, said White House policy officials met with Republican staffers to urge them to remove the provisions, even though White House officials initially had signed off on those same provisions before the bill was introduced officially.

''The White House was involved in the negotiations before the bill was introduced, and now, for some reason, it has come back and decided to insist that the main provisions, the most effective provisions of the bill, be gutted,'' she said.

She said House Republican leaders appear to be standing firm in refusing the White House demands. A White House spokesman did not return a call for comment yesterday.

Peter Gadiel, spokesman for 9/11 Families for a Secure America, said his organization will drop its endorsement of the bill if the immigration provisions are removed.

''This goes to the very heart of the entire conspiracy of 9/11,'' he said. ''These people entered the country, got driver's licenses, used those driver's licenses to obtain the services they needed, and then used those driver's licenses to get on the plane.''

The House bill restricts federal employees' acceptance of consular identification cards issued by other nations, which the Government Accountability Office said last week helps illegal aliens evade immigration law.

The bill also would set standards for driver's licenses that would make it much more difficult for illegal aliens to obtain them and for temporary visitors to keep licenses past their visa expiration.

The legislation also would expedite deportation of immigrants who have entered the United States illegally in the past five years and curtail court reviews of deportation proceedings even when the person faces torture when returned home.

Angela Kelley, deputy director of the National Immigration Forum, said adding those amendments is an attempt to sink the entire bill.

''The piling on of unrelated legislative pet projects, especially by the Republican Party's anti-immigration wing, could throw the carefully reasoned, bipartisan recommendations of the 9/11 commission to the curb,'' she said.

Members of the National Commission for Terrorist attacks upon the United States held a press conference last week to complain about some of the House provisions and praise the Senate bill as it now stands. Commission Vice Chairman Lee H. Hamilton singled out some of the House immigration provisions as particularly problematic for commission members.

The White House also has issued a statement praising the Senate bill.

But Mr. Gadiel said removing the immigration provision would be breaking Congress' promise to pass all of the September 11 commission's recommendations.

He said senators should be warned: ''If you really have the nerve to kill a final bill—ignore all the recommendations of the 9/11 commission and spit in the faces of the 9/11 families because the final bill [includes] all of the recommendations, not just the ones you find palatable, go ahead, kill the bill. See what the American people feel in November.''

[From the Los Angeles Times Oct. 6, 2004]

HOUSE INTELLIGENCE MEASURE TARGETED

(By Mary Curtius)

WASHINGTON—Eager to get an intelligence reform bill through Congress before the Nov. 2 elections, the White House is pressing to get controversial immigration provisions stripped from the House measure, Republican lawmakers said Tuesday.

Both the House and Senate are moving toward final votes this week on differing versions of bills that seek to overhaul the nation's intelligence community by putting a single director in charge of all 15 agencies. Both major parties are eager to take credit for completing the most sweeping intelligence changes since the Cold War.

The more comprehensive House version includes provisions to tighten border controls and make it easier for law enforcement to track and quickly deport suspected terrorists.

Democrats have joined civil libertarians, members of the Sept. 11 commission and families of victims of those attacks in criticizing the measures. Democrats describe the provisions as ''poison pills'' that threaten the chances for reconciling the two chambers' bills.

House Republicans said Tuesday that they believed the White House was fearful of a backlash against the House bill by immigrant voters.

''I sincerely hope that the White House is not seriously thinking about walking away from this effort in the interest of political expediency in a few states,'' said Rep. Thomas G. Tancredo (R-Colo).

Tancredo, chairman of the House Immigration Reform Caucus, and Rep. Steve King (R-Iowa), a member of the House Judiciary Subcommittee on Immigration, Border Security and Claims, said in interviews that their staffs had been told by the House leadership that the White House wanted the immigration provisions removed from the bill. Both men said they urged the leadership to resist the pressure.

The White House, according the King and Tancredo, has specifically targeted provisions in the House bill that would make it easier to deport illegal immigrants, make it harder to use foreign consular identity cards as forms of identity in the United States and make it harder for illegal immigrants to obtain driver's licenses by imposing federal standards.

The American Civil Liberties Union has denounced those measures as ''anti-immigrant policies'' it says would ''deny immigrants basic judicial review over unfair, arbitrary or otherwise abusive deportations'' and allow suspected terrorist to be deported to countries ''lacking a functioning government.''

The House leadership says it stands behind its bill and all its provisions, and that it will bring it to a floor vote Thursday or Friday. But a White House spokesman said Tuesday that negotiations over the bill's provisions were continuing.

''What I can say is that the president supports strong, effective immigration reform,'' said Erin Healy, a White House spokesman.

''We will continue to work with members of the House on their proposal. We continue to meet with them—to work with them on the legislation. It is a work in progress.''

House Majority Leader Tom DeLay (R–Texas) said no one had spoken to him about removing provisions of the bill.

''Whether it be redesigning our intelligence-gathering capabilities or protecting our borders or going after terrorists,'' DeLay said, all the measures ''are designed to keep Americans safer.''

But pressure has been mounting on the House Republican leadership to produce a bill that looks more like the Senate version.

Editorials across the country have criticized the House bill for endangering prospects for quickly completing real reform of the intelligence community.

The Senate, on the other hand, has been praised for producing a bipartisan bill, coauthored by Republican Susan Collins of Maine and Democrat Joe Lieberman of Connecticut.

With the political maneuvering around the bills intensifying, Republicans and Democrats in the House held competing news conferences Tuesday, each producing family members of Sept. 11 victims to bolster arguments for or against the legislation.

At one point, family members who support the House bill clashed publicly with family members who gathered with Democrats and Sept. 11 commission members to demand that the controversial provisions be dropped.

Both the Senate and House bills call for the creation of a national intelligence director to oversee the nation's 15 intelligence agencies. But the Senate version would give the director greater control over the intelligence community budgets and personnel than the House version would.

House Democrats have pushed the leadership unsuccessfully to allow a floor debate on a substitute bill that would more closely conform to the Senate version.

The Senate bill, which has survived seven days of floor debate largely intact, is expected to be voted on today. Differences between the final versions of the bill will be dealt with in a conference committee.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am happy to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER), the former Secretary of State of the State of Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 10 and I urge my colleagues to support this bill in the spirit of bipartisanship exhibited by the 9/11 Commission in their report and their subsequent recommendations as well.

Clearly, our Nation needs to better prepare ourselves for the challenges facing us as we continue to successfully prosecute this war on terror.

And as we examine the intelligence failures in the aftermath of the absolutely horrific attacks on our Nation on 9/11, we see the need to improve our intelligence-gathering and move from the need-to-know to the need-to-share.

It is said that once in a generation is there truly an opportunity to structurally reform government, and this is our opportunity. We remember in the 1940s when we created the Joint Chiefs to better meld our military, and the naysayers had lots of reasons why it would not work but, in fact, it has served our Nation remarkably well. This legislation today will serve our intelligence community well, and so allow us to better protect our homeland.

I am particularly pleased to have helped draft the provisions in this bill which deal with national standards for issuing State driver's licenses and State identification cards. This is long overdue, as are the provisions regarding the breeder documents or identification documentation required before you can obtain a driver's license or a State ID card.

In today's world, the driver's license is the foundation of your identity. It is the photo ID that is most commonly

used to get on an airplane, to enroll in a flight school, or to get a commercial driver's license with perhaps an endorsement for transporting hazardous material.

Mr. Chairman, prior to coming to Congress, I served 8 years as the Michigan Secretary of State with the principal responsibility for motor vehicle administration, and I totally agree with the 9/11 Commission statement, ''Sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.''

Let us remember that 18 of the 19 9/11 terrorists had valid driver's licenses, many acquired through fraudulent documentation. This legislation will allow our States to stop the terrorists from using our freedoms against us.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, the other day I heard the majority leader, the gentleman from Texas (Mr. DELAY) assert on the floor of this House that the 9/11 Commission recommendations legislation were being considered by the various committees in this House on a bipartisan basis.

Well, in the Committee on Government Reform, there were some areas of strong bipartisan agreement. As the gentleman from California (Mr. WAXMAN) said, one of those areas was the need to implement one of the central recommendations of the 9/11 Commission report to develop a system of information-sharing among different Federal Government agencies that collect and analyze information. When you are trying to pull together information about a threat, it makes no sense for one agency to keep hold of its information and not share it. You need all the pieces to put together the puzzle.

Now, this bill, H.R. 10 as it was introduced, had nothing with respect to information-sharing. So I, together with some of my colleagues, offered an amendment in the committee to do exactly that. And on a bipartisan basis in the committee, supported by the chairman of the committee, and echoing the recommendations of the 9/11 Commission, we unanimously supported that amendment and that recommendation.

Well, guess what? The bill left committee and on the way to the floor, that information-sharing amendment was stripped out of the bill by the House Republican leadership and replaced by what is just a hollow shell, virtual dribble, nothing of serious substance on that issue. Apparently, the real test being applied here by the House Republican leadership is not bipartisan cooperation, but where there is bipartisan cooperation on the committee, let us get rid of that provision of the bill, because it does not fit with the overall objective, which is to use this bill and use national security for pure political purposes.

Why would the House leadership remove a provision also contained in the Senate Collins-Lieberman bill to promote information-sharing? Why are they sticking up for creating separate turf and different fiefdoms among government agencies? That is a question they are going to have to answer to the victims and the families of the victims of 9/11.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I would just say to my friend, unfortunately, other committees shared jurisdiction on this, so when the Committee on Rules wrote it, we did not get our committee language.

Mr. Chairman, I am happy to yield 1 minute to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding me this time. I will be rising later in the day to express my very serious concern about the Menendez substitute, but that is for a later time.

But I wanted to take a moment to express the House's deep appreciation for the work being done every day by the men and women who make up our security agencies. We all know that during the 1990s, much of their work was disrupted by undermining, especially of our HUMINT assets in the country, throughout the world, particularly in the Middle East. But between now and then, those men and women who work every day and put their lives on the line on our behalf, those who make up the agencies that are our security agencies, need to know that there is broadly-based bipartisan support for their work here in the Congress.

Mr. WAXMAN. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

(Mr. MORAN of Virginia asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Menendez substitute.

Mr. Chairman, I rise in support of the Menendez substitute because I believe that its provisions, like those in the Shays-Maloney bill, better reflect the recommendations contained in the bipartisan 9/11 Commission Report: To improve our intelligence gathering and analytical capabilities and create ''an enhanced system of checks and balances'' to adequately protect civil liberties.

I regret, however, that the options before us today fail to fully embrace available technologies to modernize our driver's license and identification systems. Some States are taking action, for example, as some of my colleagues may have read in today's Washington Times and Washington Post; a plan to use embedded chip technology is currently under consideration in the Virginia legislature. Still, the pace of change remains slow and problems in our driver's license system persist.

The holes in our system continue to support a thriving black market for fake IDs, create security risks that are national in scope, and therefore warrant adequate Federal resources to repair.

The September 11th hijackings illuminated many holes in our domestic security, for example 13 of the 19 hijackers were able to obtain driver's licenses or ID cards, some from black market ''brokers'' who often charge $2,000 for a single fake license.

Utilizing chip technology and biometric identifiers will make a quantum leap in the efficiency of the system and make it significantly harder for criminals and terrorists to obtain fake licenses. Unfortunately, neither side of the aisle took full advantage of this opportunity to utilize on-card biometric technology to repair holes in the system.

In light of the currently available technologies, the bills being considered on the House floor today simply do not go far enough.

The on-card biometric technology we need to adopt in our driver's license system is not entirely new. Private companies and government agencies currently utilize embedded chips in their ID cards. The smart cards have been in use for years in the military with the Common Access Card, or CAC, and Congress sanctioned the use of on-card biometric technology in the US-VISIT visa program.

Both the 9/11 Commission Report and its predecessor, the Markle Foundation Task Force Report, hailed on-card biometrics as an excellent example of how technology can be used to improve the integrity of a number of identification documents.

Why not use it on our driver's licenses? The legislative solution I have proposed retains traditional State authority over non-commercial driver's licenses, but recognizes that disparate standards, outmoded technologies and inadequate security features create risks that are national in scope and therefore justify Federal resources and technical assistance.

Many states are open to adopting the technology, but they need Federal assistance to implement it.

Mr. Chairman, we must not delay any further. The time to act has come. A driver's license is a dangerous tool in the hands of a criminal, or worse, a terrorist. It allows them to easily travel on our roads, open bank accounts, rent vehicles, and take domestic flights. The driver's license has come to represent more than authorization to operate a motor vehicle; it imparts a stamp of legitimacy and is often taken as unquestionable proof of identity. Possession of a driver's license allows terrorists to easily travel and blend into the population.

Of course there are many out there who fear new uses of technology. Civil libertarians, conspiracy theorists and absolutists will attempt to characterize smart cards as a threat to individual privacy. In fact the opposite is true. By reducing identity theft (clearly a privacy concern), controlling access to personal data through encryption and proper regulations, and making it easier to create a digital paper trail on government employees who access your data, smart cards will actually reduce privacy violations.

Smart cards will not allow the government to track people's movements; the chips don't work that way. The best government could do in tracking your movements is maintain records of where and when you are asked to show your license, something it already does by writing down your driver's license number.

Of course it is difficult to completely allay the concerns of civil libertarians and privacy advocates, lest we do away with all forms of identification. But smart cards will not create invasion of privacy risks that do not already exist today. They will, however, significantly reduce the risk of identity theft, and correct current widespread abuses in the system. As an added benefit, the technology will make it easier for law enforcement officials to do their job by eliminating wasted time filling out paperwork, but it will not magically transform every law enforcement officer or civil servant into a voyeur or jackbooted thug bent on harassing you at every turn.

Mr. Chairman, I urge this Congress to take the next logical step and implement smart card and biometric technology in driver's licenses and ID cards. I look forward to working with relevant committees in advancing this important policy. In light of the serious problems that persist, we can't afford delay.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a member of the Committee on Government Reform.

Mr. TIERNEY. Mr. Chairman, I thank the gentleman for yielding me this time. I want to just address one part of this bill.

I feel strongly that we ought to go with the substitute amendment that the gentleman from New Jersey (Mr. MENENDEZ) will be presenting, and that this House ought to try, in a bipartisan fashion, to work within the Collins-Lieberman-McCain legislation, and that the surest way to do that and to get a bill now is to make sure that this House acts in a bipartisan way, and not in the manner that seems to be before us today, a poison pill that will tie this issue up and not allow us to have the kind of legislation we need to protect this country.

The 9/11 Commission, in its work, was very adamant about the idea that congressional oversight should be reinforced and strengthened, particularly if there is going to be some strengthening of the legislative and executive branch. Any executive power that is going to be enhanced ought to be met with commensurate increases in congressional oversight.

Section 5021 of this bill authorizes the President to essentially reorganize all of the work that Congress would do in establishing the intelligence regime under this bill. It would have the President be able to submit a reorganization plan with expedited approval, up or down, with no amendments; in essence, abrogating all of our responsibilities as legislators to the White House.

Now, I am surprised that this would get any support and, unfortunately, in the Committee on Government Reform, it did get enough support in a 20 to 21 vote. My amendment that would obliterate this recommendation was defeated. But it did pass. It was successful in the markup of the Permanent Select Committee on Intelligence community markup, but in the Committee on Rules, as is its penchant for rewriting the law, it reappears with us here today.

□ 1645

The fact of the matter is that allowing the process to just organize and bring us something to vote up or down is an absolute total abrogation of Congress's responsibilities. I am shocked that our colleagues would even consider that premise.

They should look at one another. They should determine whether or not they came here to just give our role to the White House or we came here to do what our constituents elected us to do, which is to deliberate, to debate, to decide, and to vote, and to vote on matters of this significance.

Yes, in one of the issues one of the Members brought up in the committee was that this would take time, we would go from committee to committee and House to House. The fact of the matter is, that is hard work as the President likes to say, but it is the hard work we are supposed to be doing. It is our responsibility to legislate. It is the executive branch's responsibility to give us a recommendation that we should consider. But in the end we need to do our job, and this bill should be done in such a way as to meet the Menendez substitute. We should all vote for that and not for the base bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself 30 seconds.

What abrogates our responsibility is taking the substitute that is offered by the other side. Basically we are saying to the other body, we are going to take your version and adopt your version. We have a lot of good ideas that emanate from this side of the Capitol. Those ideas will then go into a conference, and we can take the best of both.

The Congress does not abrogate their responsibility by allowing the President to submit for an up-or-down vote, the changes they wish to make in the intelligence community; we get to vote them up or down. But we do circumvent some of the jurisdictional battles that so often prolong these fights and make us very inefficient. I might add, this is authority that we had for Presidents for 50 years prior to 1984.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from California (Mr. WAXMAN) has 4 minutes remaining. The gentleman from Virginia (Mr. TOM DAVIS) has 3½ minutes remaining.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Chairman, this House has a choice to make today. It has been more than 3 years since September 11. We can put the safety and security of America first, put the security of its people first and pass the Menendez substitute which has the Shays-Maloney language in it. This substitute bill will protect America, our families, our civil liberties; and it does not play politics with intelligence reform.

Yesterday, the other body passed a bipartisan intelligence reform bill, 96 to 2. The other body's vote put America first and will help to make America safer, and it abandons cheap partisan politics. The Republican leadership's bill, H.R. 10, is a bipartisan bill intended to derail intelligence reform while al Qaeda plots against us.

H.R. 10 ignores the 9/11 Commission recommendations, and it is a dangerous partisan distraction that should be defeated.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I sat in a committee that I must say tries and often is bipartisan. I kept looking for gravitas of the 9/11 recommendations. One that is not here actually stunned me and that is the recommendation to strengthen our counternuclear proliferation efforts.

During the first Presidential debate there was a moment of rare agreement between KERRY and BUSH. They both said that nuclear proliferation was the single most serious threat facing the United States. The commission agreed. It says that al Qaeda has tried to acquire or make nuclear weapons for the last 10 years and that the maximum effort should be made. H.R. 10 relegates this issue to a study. A study is a way not to do anything.

The Senate knew exactly what to do. You do not study it any more. You expand the proliferation security initiative and the proliferation programs literally on the books now. I represent this city. What a small nuclear device would do to the Nation's capital I do not want to contemplate.

The commission understands what nuclear weapons would do nation-wide. No serious effort can exclude nuclear nonproliferation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time as I have the right to close.

The CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) has 3½ minutes remaining and the right to close.

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, the 9/11 Commission was born of the most brutal attack in this country's history on our soil, and we should remember that the commission was created to investigate our weaknesses and also to make recommendations on strengthening our national security. I think that the commission should be commended and the families that have been involved in making those recommendations at our hearings should be commended for their good work and for remaining above our partisanship.

But what I see here today in this bill is that after that long process of the

commissioners and the involvement of these families, that much of their key recommendations have been set aside, and I think that is a shame. And we should, I think, instead, support the Menendez substitute that agrees with the recommendations made by the other branch which I think properly protects American security and brings accountability to our intelligence systems that were so flawed prior to the attacks.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I just want to point out to my colleagues, we are talking about something of the most significant importance to this Nation. We should not allow politics to be played with this matter.

We have had a commission that was set up by a vote of the Congress. They came back with a unanimous recommendation. The other body adopted their recommendations unanimously, Democrats and Republicans. I strongly urge support for the Menendez substitute and a rejection of the Republican partisan bill.

Mr. Chairman, I urge rejection of H.R. 10 and support for the substitute amendment so we can be in sync with the bipartisan vote in the Senate and the bipartisan recommendations before us.

Mr. Chairman, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me thank my friends on the other side in the committee for working cordially with us to improve this legislation. I know we have some disagreements.

I want to take up just a minute to correct what I think is misinformation about this legislation, namely, that some of the sections of this are not within the scope of the 9/11 Commission's report. I want to walk through the provisions that were added at the request of our committee. All of these initiatives were things that the committee had been working on to make our country safer prior to the release of the report, but they can also be traced to report language.

Our language on identity security, for example, is identified as an urgent need on page 309 of the report, where it says, ''The Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses. Fraud in identity documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.''

Our language on appointments reform is in direct response to a finding in the report on page 422: ''Since a catastrophic event could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking during the change of administrations by accelerating the process for national security appointments.''

Our security clearance language is based both on work that we have been doing in the committee and the commission's report which said on page 422 that the Federal Government needs uniform application investigation in adjudication procedures, a single database to store clearance information, and an expedited clearing process for Presidential transition team personnel.

Our language to revitalize the FBI workforce responds to a finding in the report on page 425, where it says ''a specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure a deep expertise in intelligence and national security.''

And our language on information-sharing and security addresses the commission's finding on page 400 that we need to unify the many participants in the counterterrorism effort and their knowledge in a network-based information-sharing system that transcends traditional governmental boundaries.

As you can see, Mr. Chairman, all of these provisions that were marked up by our committees and included in the version on H.R. 10 today are direct responses to problems or weaknesses identified by the 9/11 Commission.

I take exception to Members who think the other body had thorough knowledge and exhausted all of the ideas on this.

We look to a good conference where we can iron out some of these, but more importantly I think we thoroughly address some of the concerns raised by the commission. At a time when the terrorists are moving dollars electronically and communicating in nanoseconds, we have to give the executive branch a rapid response for additional reorganization changes as well.

I urge my colleagues to support H.R. 10 and reject the Menendez substitute.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time for general debate for the Committee on Government Reform has expired.

The Chair recognizes from the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) for 15 minutes each.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 10. On September 11, 2001, foreign terrorists attacked the United States without provocation in a failed effort to crush our spirit and our resolve.

In the last 3 years Congress has taken bold bipartisan steps to strengthen the ability of the law enforcement intelligence community to protect the American people against future terrorist attacks. The Committee on the Judiciary has played a central role in addressing vulnerabilities that the terrorists exploited on 9/11.

Bipartisan passage of the PATRIOT Act, the Barbara Jordan Immigration Reform and Accountability Act, the Homeland Security Act, and other legislation have made America safer; but there is still much more work to be done.

In November of 2002 President Bush created the bipartisan 9/11 Commission. I supported the President's creation of this independent commission, and I am pleased that this bill implements and addresses its recommendations and findings. H.R. 10 provides specific legislative substance to those recommendations. First, the creation of the National Intelligence Director, then the establishment of a National counterterrorism Center in title I are reforms that will ensure that the wall of separation between intelligence and law enforcement is never again exploited by terrorists. In addition, section 1112 codifies the laudable efforts of the FBI to better assist and thwart terrorist attacks before they occur.

The Judiciary sections in title II enhance penalties for terrorism hoaxes; increase penalties for supporting, financing, or cooperating with terrorist organizations; expand the scope of laws that prohibit the shipments or use of weapons of mass destruction; provide additional funding to combat terrorist financing; and enhance the use of biometrics to reduce terrorist threats against air travel.

Several 9/11 hijackers either should not have been admitted to the United States or violated the terms of their visas. Title III of the legislation contains important provisions to enhance border security and reduce opportunities for terrorists who enter and stay in the United States. As the 9/11 staff report on terrorist travel declared, ''The challenge for national security in an age of terrorism is to prevent the people who may pose overwhelming risk from entering the United States undetected.''

The Judiciary sections of title III require Americans returning from most parts of the Western Hemisphere to possess passports; require Canadians seeking entry into the United States to present a passport or other secure identification; authorize additional immigration agents and investigators; reduce the risk of identity and document fraud; provide for the expedited removal of illegal aliens; limit asylum abuse by terrorists; and streamline the removal of terrorists and other criminal aliens. These provisions reflect both commission recommendations and

legislation that was pending in the House.

Finally, I am pleased that this legislation safeguards the privacy and civil liberties of all Americans. These provisions establish a privacy officer in the office of the NID; require Federal agencies to prepare a privacy impact analysis during rulemaking process; and direct the head of each Federal agency with law enforcement or antiterrorism functions to appoint a chief privacy officer.

□ 1700

The bill reflects careful, thoughtful and principled consideration of the 9/11 Commission's bipartisan recommendations and staff report. Unlike some other proposals, this legislation does not merely transcribe sometimes vague proposals. Rather, it does the hard work of implementing the 9/11 Commission's recommendations with the legislative clarity and depth they deserve.

H.R. 10 also received the full committee deliberation that the House committee process provides. The committee process greatly enhanced the quality of this legislation.

America has so far been spared another large-scale attack within our border since 9/11. Yet the terror in Beslan, Russia, just weeks ago chillingly reminds us that the global threat of terrorism has not receded nor has the need for vigilance and foresight.

While much has already been done, much remains to be done. Passage of H.R. 10 will make America safer still, and I urge my colleagues to support this legislation.

I am also happy to put in the RECORD, a letter dated October 7, 2004, from the 9/11 Families for a Secure America that states, ''we strongly support H.R. 10 and oppose all the alternatives that have been proposed. The reason is simple: H.R. 10 is the only bill that addresses the recommendations on pages 385–390 of the 9/11 Commission's report.'' I would include this letter in the RECORD at this point.

9/11 FAMILIES FOR A SECURE AMERICA,
New York, New York, October 7, 2004.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: Over the past few weeks, several articles in the press and statements from individuals have implied falsely that the families of victims of the September 11, 2001, attacks support alternatives to H.R. 10. Our organization, 9/11 Families for a Secure America, represents hundreds of families of those murdered on 9/11, and we strongly support H.R. 10 and oppose all the alternatives that have been proposed. The reason is simple: H.R. 10 is the only bill that addresses the recommendations on pages 385–90 of the 9/11 Commission's report.

Family members of 9/11 victims worked long and hard to have an independent commission appointed to investigate the attacks. Now that the Commission has completed its task and presented Congress with its recommendations, we believe that Congress must address all of the 41 recommendations, including those relating to immigration policy. We will be satisfied with nothing less.

All of the 9/11 family members with whom we have been in contact agree that immigration reform is a key component of the implementation of the Commission's recommendations. Sadly, some of our elected officials have misled 9/11 families by convincing them that no legislation will pass this year if we insist that immigration reform be part of it, because immigration is simply ''too controversial.'' We are appalled that any public official would suggest that national security is ''too controversial'' to be addressed.

We applaud the House Leadership for making security their top priority and we strongly urge all Members of the House to support H.R. 10. We have read the immigration provisions in H.R. 10, and we have compared them to the Commission's recommendations. The provisions some have labeled ''extraneous and unrelated'' are, in fact, clearly and directly related to the Commission's findings and to preventing terrorist attacks in this country. The simple fact is that if the 9/11 terrorists have not been able to enter the United States and operate freely in our country—to obtain driver's licenses (over 60 licenses for 19 hijackers), open bank accounts, rent homes and cars, and board airplanes—they would not have been able to murder our loved ones. To pretend otherwise is hypocritical; but more importantly, it is an invitation to future terrorist attacks.

Members of Congress have promised us repeatedly over the last three years that they would honor our loved ones who were murdered by implementing the reforms needed to ensure that Americans will never again face the same horror we live with every day. We ask you to stand by your promise and pass H.R. 10, rather than dishonoring us and our loved ones to protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

9/11 FSA BOARD OF DIRECTORS

Peter & Jan Gadiel, Kent, CT, Parents of James, age 23.

Will Sekzer, Detective Sgt (ret'd) NYPD, Sunnyside, NY, Father of Jason, age 31.

Diana Stewart, New Jersey, only wife of Michael Stewart.

Bill Doyle, Staten Island, NY, Father of Joseph.

Joan Molinaro, Staten Island, NY, Mother of Firefighter Carl Molinaro.

Bruce DeCell, Staten Island, NY, Father in law of Mark Petrocelli, age 28.

Sally Regenhard, Al Regenhard (Det. Sgt. NYPD, Ret'd), Parents of Firefighter Christian Regenhard.

Grace Godshalk, Yardley, PA, Mother of William R. Godshalk, age 35.

April D. Gallop, Virginia, Pentagon Survivor.

Lynn Faulkner, Ohio, Husband of Wendy Faulkner.

Colette Lafuente, Poughkeepsie, NY, Wife of Juan LaFuente, WTC visitor.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 3 minutes on behalf of the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chairman and the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member, who I am looking to join us soon, of the full Committee on the Judiciary. We did work together. In fact, as our colleagues in America are seeing, we worked together with any number of committees that will be on the floor today and the very fact that we worked together with so many committees, it looks as if we would have been able to reach maybe a very easy consensus, but it appears that we did not.

Allow me just to offer, as I begin, the words of two of the 9/11 family members, Donald W. Goodrich and Sally Goodrich, in a conversation this morning, words that were offered to me as written by James Joyce seem to be particularly relevant to this debate, and it is particularly relevant based on all of the work and all of the pain and all of the adversity that the 9/11 families have gone through. James Joyce said, it is the now, the here through which all future plunges to the past.

I guess what I would say to my colleagues though we have the responsibility of securing the homeland, we also have the responsibility of a concise, consensus method and format in which to take that journey. I believe the Shays-Maloney legislation, conforming to the Collins-McCain-Lieberman proposal, meets that standard and that test.

In our work of H.R. 10, we have a duty to take into account the families that will be affected. We have in this august body the duty to take into account all American families, and as I have said over and over again, we have a responsibility to take into account that the government failed the American people.

So I wish that we would have come to the floor with this single bill, but yet we have 50 extraneous provisions. Let me just list a few as I close: giving the President fast track authority to reorganize the intelligence agencies; undermining the reforms recommended by the 9/11 Commission; no budgetary authority to the new intelligence director, giving the President authority to bypass Senate confirmation of the director of CIA and other key intelligence and defense officials, weakening congressional oversight; giving Federal law enforcement officials new authority to deport foreign nationals, revoke visas and deny asylum without judicial review, uncalled for by the 9/11 Commission, maybe valid issues to consider later but certainly holding up this legislation; creation of new national databases of driver's licenses, birth certificates and criminal histories, raising civil liberties and privacy concerns; and, of course, expanding a grand jury without oversight.

I thank the distinguished chairman, and I hope that we will pass the substitute of the gentleman from New Jersey (Mr. MENENDEZ), that incorporates the 9/11 Commission report and fixes our broken national intelligence system.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN), my colleague.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, much of the attention on this bill has been focused on intelligence reforms, rightly so because they are absolutely necessary, but I would argue that the provisions under the jurisdiction of the Committee on the Judiciary are every bit as important and every bit as urgent.

A few folks have tried to argue here that somehow these are extraneous. They are wrong. These provisions strike at the support network that makes a terrorist operation possible. They give us the tools to prevent the movement of those who would hide and move in the shadows, who offer support to terrorism, who provide training, logistical information, transportation and so on. Those who provide material support to terrorists are, in many ways, as dangerous as the evil figure who pulls the trigger.

If we attack and remove those who provide such support, we yank at the links in the chain. We break those links, we break the chain of destruction. These are essential provisions to make this Nation safer. They are an essential part of the war on terrorism.

I urge my colleagues to support the work of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that I control the time on the minority side for the purpose of yielding time.

The CHAIRMAN pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

I begin by thanking the gentlewoman from Texas (Ms. JACKSON-LEE) for her brilliant opening statement.

This measure before us today could be called, A Tale of Two Bills. One is our substitute, that reflects both the spirit and the substance of the 9/11 Commission's work, and like the Commission itself, it is bipartisan, a theme that we continue to underscore even in the closing days of the 108th Congress. We are supported by the gentleman from Connecticut (Mr. SHAYS), the gentlewoman from New York (Mrs. MALONEY) and Senators MCCAIN, COLLINS and LIEBERMAN. Yesterday, in the other body, this measure that we will bring forward here this evening passed the other body by a vote of 96 to 2. In substance, it reflects exactly what the 9/11 Commission recommendations contained, and it was endorsed by the commission and by the September 11 families.

On the other hand, we have before us a bill that was cobbled together haphazardly, with only the input of one party. It fails to implement many of the Commission's recommendations, and therein lies our grievance, and contains provisions that the Commission, after months of study, did not ask for at all.

But the main omission is that the 9/11 Commission recommended, at a time of increased and consolidated government authority, there should be a board within the executive branch to oversee adherence to the guidelines we recommend and the commitment the government makes to defend our civil liberties. Why is there no civil liberties board in the majority bill?

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me time.

September 11, 2001, changed our world. It changed the way in which we must deal with terrorism and the way in which we, as a country, must protect ourselves.

Since then, Congress and the administration have taken steps to help better protect our Nation at home and abroad. We have provided law enforcement with enhanced investigative tools and improved our ability to coordinate activities designed to protect against the future threat of terrorism.

Yet these actions are not enough to guarantee our Nation's security or freedom. The 9/11 Commission report and recommendations showed us that security and freedom can only be accomplished through continued vigilance and a willingness to challenge conventional wisdom.

But these broad antiterrorism efforts do not have to come at the price of our rights here at home. The joint hearing held by the Subcommittee on Commercial and Administrative Law and the Subcommittee on the Constitution reaffirmed that ignoring important civil liberties will not only erode our freedoms but would undermine legitimate efforts to increase our security here at home.

The directives set out in H.R. 10, requiring Federal agencies to consider, for example, the impact that proposed and final rules have on an individual's privacy and establishing chief privacy officers within agencies that conduct law enforcement and antiterrorism activities, and establishing a civil liberties protection officer within the Office of the National Intelligence Director and a Civil Liberties Protection Board, ensures that effective antiterrorism measures do not come at the price of our constitutional principles.

I am confident that both Houses will come together on this issue to ensure that we continue to improve our intelligence capabilities, strengthen our defenses, and stay one step ahead of the terrorists.

I want to again thank and commend the gentleman from Wisconsin (Congressman SENSENBRENNER), the Committee on the Judiciary's chair, for his leadership on these issues.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this bill is not the 9/11 Commission recommendations. This bill is John Ashcroft's wish list.

Ground Zero is in my district, and I understand the grave danger and harsh reality of terrorism. It is absolutely imperative that we implement the recommendations of the 9/11 Commission, and strengthen our security and win the war on terrorism. Unfortunately, House Republicans would rather play partisan political games on the eve of the election.

The 9/11 Commission recommended that homeland security grants be distributed based on risk, but this bill contains a political pork barrel funding formula that directs funds away from key targets like New York and Washington, D.C.

The 9/11 Commission recommended that we strengthen counterproliferation efforts to prevent al Qaeda from getting nuclear weapons. This bill ignores that recommendation and does little to prevent the terrorists from exploding atomic bombs in our cities.

This bill even fails to establish a strong, independent National Intelligence, by not providing that office with sufficient authority over the budget and personnel of other intelligence agencies.

House Republicans are once again wrapping themselves in the flag and in 9/11 to hide the fact that they are loading up this bill with questionable provisions that will not make us safer but will undermine our civil liberties. For example, this bill would permit people to be deported to countries that engage in torture. This will not stop terrorists from entering the United States. It would not have stopped the 9/11 terrorists. If we do have suspected terrorists among us, we should not deport them. We should charge them, interrogate them and convict them.

This bill includes egregious provisions that would expand the secret surveillance powers of the Federal Government and relax grand jury secrecy requirements while depriving people of their constitutionally protected right to due process and to the writ of habeas corpus. It would give the Federal Government new authority to revoke visas and deny asylum without judicial review.

This legislation is a betrayal of the families and the hard and thorough work of the 9/11 Commission. Commission Chairman THOMAS KEAN and Vice Chairman Lee Hamilton have asked the House Republicans to remove extraneous provisions and pass a clean bill. The New York Times, The Washington Post, and Miami Herald, to name a few, call this bill a ''political sideshow'' and ''election-year posturing.'' They see this bill for what it is, a step in the wrong direction that in many cases does the opposite of what the 9/11 Commission recommended.

The House Republicans should stop playing politics with the war on terrorism and start protecting the American people. As those of us from New York know all too well, we must do everything we can to prevent another September 11. I urge my colleagues to defeat this legislation and pass a bill that will actually make us safer.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from California (Ms. WATERS).

□ 1715

Ms. WATERS. Mr. Chairman, I wish to thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time to talk on this most important piece of legislation.

Mr. Chairman, this bill should have been voted on and passed a long time ago, but the President and the Republican leadership have simply dragged their feet. We must not forget that Republicans opposed the creation of the 9/11 Commission. Now, House Republicans are pushing a bill that does not make all the necessary reforms that will help ensure the safety of this Nation.

The 9/11 Commission has done outstanding work. It spent months interviewing members of the intelligence community, hearing testimony and reviewing documents. After all that, the Commission unanimously approved its report and the recommendations included in it. Most importantly, the families of those who lost loved ones on September 11 have endorsed the Commission's report. Unfortunately, the House Republicans continue to delay and to refuse to embrace the Commission's work.

I find it appalling that the Republican leadership thinks it has a monopoly on the wisdom needed to make our country safe. I urge my colleagues to support a bill that incorporates the recommendations of the 9/11 Commission.

Mr. CONYERS. Mr. Chairman, I am pleased now to yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding me this time.

Much has been mentioned on this floor about what has been left out of this report and things put in that were extraneous. Well, I do not know how those of us on the Committee on the Judiciary can support this bill when so much of the work we included in the bill was stripped out of it.

My colleagues on the other side of the aisle, when they visited New York, were amazed and awestruck about the level of preparedness we in New York had, and I think even the Speaker said that we need to do more for New York. In the September 11 report, they said we need to do more. In our committee we included a provision to fund the anti-terrorism cops. Stripped out in this bill on the floor. We included a provision to allow all localities to make retroactive application for funds. Stripped out in this bill. We certainly did not include any language to have a minimum guaranty for cities like New York, to make sure if the list grows too long, they still have the basic amount they need.

What we did manage to do is do the opposite of what the September 11 Commission recommended, which was to have a minimum guaranty for all States irrespective of their needs. I just hope my colleagues remember that when the agriculture bill comes on the floor and those of us from Brooklyn and Queens and Manhattan come and we say we want a minimum guaranty of wheat subsidies or corn subsidies.

But I will tell my colleagues something that certainly did get included in the bill, is a provision on page 395 of the bill, saying ''it is the sense of Congress we should have a more robust dialogue between the government of the United States and the government of Saudi Arabia in order to provide a reevaluation and improvements to the relationship by both sides.'' What is it with the love affair that you have with the Saudi Arabians?

The problems with our relationship on both sides? Have we jacked up their gas prices? Did we not be thankful to them when they defended our country? Did we send 15 of 19 bombers to their country?

Why do you keep doing this, every time we stand up in this House and say, enough with the Saudis, you stick language like this back in. What is with the love affair of President Bush and your party with the Saudi Arabian government? They are not our allies. They have not behaved like our allies. Yet, in the September 11 report, in the ultimate sign of contempt for the victims, you are laying down and prostrate at the feet of the Saudi Arabians. It is a shame.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for yielding me this time.

Mr. Chairman, I strongly support H.R. 10. This legislation includes important immigration provisions that are vital to improving homeland security. The expansion of expedited removal is particularly important to me because it is a provision I originally authored in the Illegal Immigration Reform and Immigrant Responsibilities Act of 1996.

Back in the mid 1990s, thousands of aliens arrived at our airports without valid documents and then made fraudulent asylum claims. They knew they would be released into the community pending their asylum hearing, and few were ever heard from again. We created expedited removal to allow us to immediately return an alien to their country of origin if they showed up in the U.S. without proper documentation. The result is that we no longer have a serious problem of aliens arriving with false documents at airports.

The situation is much different on our land borders. Every day thousands of aliens enter the country illegally, and because we do not have adequate detention space, they are released pending a hearing. A high percentage of these aliens, and this should not surprise anybody, are not from Mexico, they are from every other country you can imagine.

The Department of Homeland Security recently reported that aliens have been apprehended on our borders from such countries as Iran, Saudi Arabia, and Syria. The 1996 Act created authority for the administration to use expedited removal for any alien in the country illegally, but until recently, they have not made use of that authority. The 9/11 Commissioners expressly pointed out how dangerous it is not to have expedited removal at our land borders. Potential terrorists will attempt to cross our land borders, and we should help the administration stop these terrorists from entering the United States. Mr. Chairman, I am pleased that section 3006 of this legislation would expand expedited removal to our land borders.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. SCHIFF), a former U.S. attorney and a distinguished member of the California bar.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Menendez substitute, a substitute that closely adheres to the recommendations of the 9/11 Commission, and most importantly, from my point of view, incorporates the 9/11 Commission's recommendation that we strengthen our efforts to prevent the proliferation of nuclear material, technology, and expertise around the world.

In the Committee on the Judiciary, I offered a series of amendments, some which adopt the language now found in the Menendez substitute, which was in McCain-Lieberman, to strengthen our nonproliferation efforts; others that identify and prioritize the sites of highly-enriched uranium around the world, those amendments were adopted. I want to thank the chairman and the ranking member for their support in committee. They were also supported by the Chair of the Committee on International Relations.

But for some reason, Mr. Chairman, they were stripped out of this bill prior to its arrival on the floor, leaving this base bill far weaker than the substitute when it comes to the number one danger facing this country, as the President and Senator KERRY outlined in the debates, the threat of nuclear terrorism. The Menendez substitute addresses this problem, and I support it.

Mr. CONYERS. Mr. Chairman, I am now pleased to yield 30 seconds to the gentlewoman from California (Ms. LOFGREN), a distinguished member of the Committee on the Judiciary.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, if you just read the title of this bill, you might think the House is finally acting on the 9/11 Commission. But if you read the bill's content, you find, sadly, no.

Out of the 41 recommendations by the Commission, only 11 are in the bill, 15 are incomplete, 15 were totally ignored, and there are 50 extraneous poison pill provisions.

The Menendez substitute is the 9/11 Commission recommendations. This bill is not. And I hope that we will support the 9/11 families and the Commission by adopting the Menendez substitute instead of this flawed measure.

The independent, bipartisan 9/11 Commission, issued its report on July 22nd. A full 78 days have passed since this important document was published. Today we are voting on a bill entitled, "9/11 Recommendations Implementation Act." If you just read the title of the bill, you might think the House is finally acting on the recommendations of the 9/11 Commission.

Yet, upon closer examination of the bill, you realize the title has little to do with the bill's content.

There are several provisions in this bill that have absolutely nothing to do with the recommendations by the bipartisan, independent 9/11 Commission. There are others that simply miss the point made by recommendations of the 9/11 Commission. Worse yet, there are several Commission recommendations that are totally ignored.

Out of 41 recommendations made by the 9/11 Commission, only 11 are addressed in the bill, 15 are incomplete, and 15 were totally ignored. Over 50 extraneous "poison pill" provisions that were not recommended by the Commission are included.

In H.R. 10, the Republican leadership simply ignored some of the most important recommendations made by the 9/11 Commission. H.R. 10:

Fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; fails to strengthen U.S. efforts to prevent the proliferation of nuclear weapons; fails to secure U.S. borders by integrating disparate screening systems; fails to mandate and fund the use of explosive detection devices for airline safety; fails to provide radio spectrum for first responders to communicate during emergencies; fails to provide additional security assistance to Afghanistan or economic development assistance to Arab and Muslim countries.

H.R. 10 contains several provisions that undermine Commission recommendations by weakening Congressional oversight and giving the President too much power in reorganizing the intelligence agencies. The bill includes controversial immigration and tort provisions that had nothing to do with 9/11 Commission recommendations. They will delay or ultimately frustrate enactment of 9/11 Commission recommendations.

The bipartisan, independent 9/11 Commission should not be exploited today to enact the majority party's agenda that has very little to do with the Commission's recommendations.

It is time for the Republican leadership in this House to take the 9/11 Commission seriously. We should pass a bill that truly implements the 9/11 Commission recommendations, such as the bill that was passed by the Senate yesterday, or the Menendez amendment in the House today. Unlike H.R. 10, the Senate bill was worked out in a bipartisan fashion with a vote of 96–2, and has been endorsed by the 9/11 Commission.

More importantly, the Menendez substitute has the strong support of the 9/11 families, who know too well the tremendous suffering that comes with a terrorist attack.

The republican leadership in this House is ignoring the families of the 9/11 victims, the 9/11 Commission, and a strong agreement reached in the Senate in a bipartisan fashion. It is time for the Republicans to stop playing politics with our Nation's security. Let's vote against H.R. 10 and instead for a bill that represents a consensus across the political spectrum.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from North Carolina (Mr. WATTS), the ranking member on the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary, to close for our side.

(Mr. WATT asked and was given permission to revise and extend his remarks.)

Mr. WATT. Mr. Chairman, since 9/11, numerous groups have found that, along with the imperative to enhance the flow of information necessary to detect, combat, and prevent future acts of terrorism, comes a parallel and increased imperative to protect the privacy and civil liberties of individuals. These groups believe that balancing security and liberty is not only possible but fundamental to the fight against terror. In other words, they believe that individuals should have personal rights and privacy even after 9/11.

The report of the 9/11 Commission was equally clear on this point, stating that, ''The 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.''

Chief among the Commission's recommendations was the recommendation that an entity within the executive branch be established ''to look across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered.'' That was a clear unequivocal recommendation of the 9/11 Commission.

I find it astonishing that this bill that we are considering today completely ignores this recommendation and fails to create a board to protect the civil liberties of the American people. Refusing to establish a civil liberties watchdog is an insult to the unanimous bipartisan 9/11 Commission report and an affront to the values we cherish.

Further, by refusing to establish a civil liberties watchdog in this bill, the bill is also inconsistent with the bill reported favorably from the Committee on the Judiciary and it is inconsistent with the Senate Bill.

Last month, at a joint hearing of the Subcommittee on Commercial and Administrative Law and the Subcommittee on the Constitution, two members of the Commission testified that the board should have quite robust powers, and that the board should be independent and should be powerful enough so that it gets listened to.

Consistent with these views of the distinguished members of the 9/11 Commission, during the markup of H.R. 10 in the Committee on the Judiciary, I offered an amendment to create a strong bipartisan board to supervise civil liberties compliance. After substantial debate about one aspect of the amendment, whether the board should have subpoena power, the Committee on the Judiciary passed a bill that included a version of my amendment. But it did include a civil liberties board.

It is, therefore, unbelievable that this bill, while giving the government even broader powers that may affect the freedoms of our citizens, flatly rejects the obligations to protect those freedoms from abuse. The American people should not be asked to sacrifice the very liberties they are defending against terrorist attack without the benefit of a board with genuine oversight authority. I request my colleagues to reject this bill and support the substitute.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, I have been listening to this debate since it began several hours ago. And those who are promoting the Menendez substitute, time and time again, criticize the base bill, H.R. 10, for extraneous and unrelated issues. Mr. Chairman, let me be blunt. Many of these extraneous and unrelated issues are designed to prevent terrorists from coming to our borders; or, if they get inside the United States, making sure that they do not game the system to be able to stay here and have the time to plot to do ill to America and its people and its values.

I would like to talk about a couple of these issues. First of all, aliens who apply for American drivers' licenses will have to present a passport. We know that the driver's license is the type of ID that is used at airports and other transportation facilities, as well as to prove a person's age when they are buying alcohol or tobacco. If the driver's license that is issued by a State Department of Motor Vehicles is based on phony and unsecure identification, then that person can use the result of the use of the phony and unsecure identification to be able to do a lot of things, including hijack airplanes and get on them and fly those airplanes into buildings.

We have heard a lot about some of the changes in the immigration law that are contained in the base bill but not in the Menendez substitute. Let me say that those changes in the immigration law are designed to get at people

who are criminals, and not United States citizens, and deal with them, like the deportation of criminal aliens and those that wish to use the asylum laws to game our system, like Sheikh Rahman did when he was plotting the bombing of the World Trade Center in 1993.

□ 1730

There is a difference between illegal aliens who wish to game the system and those that overstay their visas and those people from other countries who wish to come here to live legally and peacefully. And unless we tighten up the system, it is this latter group that are going to end up being tarred with the sins of the former group. The provisions in the base H.R. 10 bill that deal with expedited removal, et cetera, are designed to protect legal immigrants to the United States so that they do not have to pay for the sins of those who wish to commit crimes and acts of terrorism. That is why those provisions ought to stay in this bill and not be stricken out during the amendatory process.

The base bill is a good bill. It makes America safer than the Menendez substitute and the Senate-passed bill and ought to be approved.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). All time having expired for the Committee on the Judiciary, it is now in order to recognize the Committee on International Relations, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for 10 minutes each.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

The final report of the 9/11 Commission made recommendations on how best to confront the threat of terrorism in the 21st century. Of these 44 recommendations, one-third of them fell within the jurisdiction of the House Committee on International Relations.

H.R. 10 will prepare us to better respond to this threat using all available tools as recommended by the commission, including diplomacy, public diplomacy, international cooperation, foreign aid, sanctions, covert action, security enhancement, and military force when necessary. H.R. 10 goes beyond the mere urging of the issuance of a report or a ''sense of Congress'' as many of the other legislative initiatives propose.

It offers practical, focused, and concrete initiatives that take effect immediately. Although some foreign policy issues are addressed in the Menendez substitute, it mainly addresses only intelligence reform efforts while H.R. 10 delves more deeply into foreign policy and diplomacy efforts which, I might add, were developed in a bipartisan fashion with my good friend from California, the ranking member of the House Committee on International Relations.

For example, I refer Members to the response to the commission's recommendation to define and defend our ideals abroad. H.R. 10 places the emphasis on training, language proficiency, and a creative recruitment process to fulfill our various public diplomacy needs. The Menendez substitute has no comparable provisions.

The commission remarked on the need to develop a comprehensive coalition strategy against Islamist terrorism. The Menendez substitute offers no comparable response, while H.R. 10 has a series of provisions to strengthen the capabilities of the State Department to engage in multilateral diplomacy and to build working relationships with like-minded democratic nations.

Another difference between H.R. 10 and the Menendez substitute is how we propose to deal with countries that provide sanctuary for terrorists. H.R. 10 requires the President to develop a strategy to eliminate terrorist sanctuaries and, most importantly, requires that U.S. exports be regulated to countries that act as sanctuaries. The Menendez substitute includes no such provision.

Another example of how H.R. 10 translates the broad recommendations of the 9/11 Commission into concrete action is the creation of a terrorism interdiction initiative modeled after the successful proliferation security initiative, and the establishment of regional counterterrorism centers and terrorism prevention teams. The Menendez substitute contains no such provisions.

The commission could not have been clearer that targeting travel is at least as powerful a weapon against terrorists as targeting money. H.R. 10 includes specific language which expands two important programs that screen passengers and inspect passports and visas of U.S.-bound visitors prior to their departure at foreign airports. The Menendez substitute has no comparable provisions.

H.R. 10 also increases staffing and improves training of our consular officers who are the first line of defense in screening out potential terrorists. In addition, it increases penalties for convictions involving fraudulent government-issued visas and passports. Again, the Menendez substitute is silent.

In line with the 9/11 Commission's recommendations, H.R. 10 explicitly requires the State Department to make denial of terrorist mobility a top priority of the Department's chief counterterrorist official. No similar provision exists in the other legislative option.

With regard to Afghanistan, which is just 2 days away from its first national elections, the provisions included in H.R. 10 are far superior to those in the Menendez substitute. The commission concluded that the allocation of reconstruction funds in Afghanistan was too compartmentalized. We have solved that problem with the appointment of a coordinator tasked with broad authority. H.R. 10 also restates our commitment to the rule of law and vital education programs in Afghanistan.

Mr. Chairman, although the Menendez substitute represents a serious effort to address a few of the problems posed by terrorists to the security of this country, its unspoken premise is that difficult problems can be easily solved by the simple act of throwing money at them. In the final analysis, we cannot substitute money for careful thought, nor can we buy our way out of the difficult task of crafting wise and effective policies. H.R. 10 does not just throw money at the problem, it defines priorities by which to eliminate fragmented management and operations structures, redirecting resources to where they are most necessary in order to build intelligence capabilities to counter terrorist threats through the best possible means, exactly as the commission recommended. It is time to enact these concrete solutions to confront the threat head-on.

The National Commission on Terrorist Attacks upon the United States criticized the United States Government on is fragmented management and operations structures and questioned its ability to direct resources where necessary to best build intelligence capabilities to counter terrorist threats or to address broader issues of national security challenges. The final report issued 44 recommendations on how to best confront this threat. Of these 44 recommendations, one-third of them, or fifteen, fall within the jurisdiction of the House International Relations Committee.

In sum, these recommendations suggest that the United States use all tools available to respond to this threat, including: diplomacy, public diplomacy, international cooperation and coordination, foreign aid, sanctions, covert action, security enhancement and military force when necessary. With each of these instruments, the United States should focus its efforts on attacking terrorists and their organizations, preventing the continued growth of terrorism, and protecting against and preparing for future attacks.

H.R. 10 goes beyond the mere urging of the issuance of a report or a ''Sense of Congress,'' as many of the other legislative initiatives propose. It offers practical, focused and concrete initiatives that take effect immediately, rather than waiting for another study to determine whether the full recommendation of the Commission should be implemented. To put it simply, the authors of H.R. 10 did not stop reading the Commission's report halfway through, but instead, crafted thoughtful solutions to the tough recommendations. We took the abstract and made it concrete.

Although some foreign policy issues are addressed in the Menendez Amendment, it mainly addresses the first ''track'' on the intelligence reform efforts, while H.R. 10 delves more deeply into foreign policy and diplomacy efforts. In fact, many of the provisions of H.R. 10 were developed in a bipartisan fashion, gaining the expertise and guidance of my dear friend from California, the Ranking Member of

the House International Relations Committee, TOM LANTOS.

For example, I refer you to the response to the Commission's recommendation to ''define and defend our ideals abroad,'' or conduct better public diplomacy. H.R. 10 places the emphasis on training and the creative recruitment process to find the skill-set needed, such as language proficiency, for the various public diplomacy needs. The Menendez Substitute does not offer anything more than reporting requirement or non-binding ''Sense of Congress'' language. H.R. 10 directs the State Department, in coordination with other government agencies involved with communications or public outreach, to collaborate on a strategic plan and conduct annual assessments to measure progress.

Expanded broadcasting to the Muslim world is too new to fairly evaluate. Sufficient time is necessary to determine the appropriate course corrections, if any. However, I recognize that professional, contemporary communications are ''a must'' as we compete against satellite networks feeding misleading news to the region.

The Commission remarked on the need to engage other nations in developing a comprehensive coalition strategy against Islamist terrorism. The Menendez Substitute offers virtually no response to this suggestion, while H.R. 10 has a series of provisions designated to specifically strengthen the capabilities of the State Department in the multilateral arena. It addresses the systemic weaknesses of the Department on the multilateral front by increasing training and education. H.R. 10 also addresses the importance of building working relationships with like-minded democratic nations through the work of such organizations as the Community of Democracies and through the establishment of a democracy caucus at the United Nations.

Another difference between H.R. 10 and the Menendez Substitute is how we propose to deal with countries that provide sanctuary to terrorists. H.R. 10 provides a clear policy statement on terrorist sanctuaries, requires the President to develop a strategy to address and eliminate terrorist sanctuaries and, most importantly, requires that U.S. exports be regulated to countries that are found to be terrorist sanctuaries. This provision puts meat on the bones. It directly implements the 9–11 Commission charge to ''use all elements of national power'' by saying that if a foreign country provides sanctuary for terrorists, then we will condition the trade of our goods and services with that country. There is no such provision in the Menendez Substitute. It contains only identical findings, non-binding policy language and a one-time report.

Another example of how H.R. 10 translates the broad recommendations of the 9–11 Commission into concrete actions is the creation of a Terrorism Interdiction Initiative, modeled after the successful Proliferation Security Initiative. The 9–11 Commission calls for expanded collaboration with other governments on terrorism. Other legislative initiatives only have ''Sense of Congress'' provisions suggesting the establishment of a contact group. By contrast, H.R. 10 mandates the negotiation, on a bilateral basis, of international agreements to secure global support, cooperation and coordination, and to maximize and integrate resources for attacking terrorists and terrorist organizations. It establishes specific requirements for these agreements under the Terrorism Interdiction Initiative which include ''Interdiction Principles;'' establishment of Regional Counter-terrorism Centers; and establishment of Terrorism Prevention Teams to address current and emerging terrorist threats.

On the important question of curtailing terrorist travel, the Menendez Substitute falls short of the provisions contained in H.R. 10. The Commission could not have been clearer that ''targeting travel is at least as powerful a weapon against terrorists as targeting money.'' H.R. 10 includes specific language which expands two important programs that screen passengers and inspect passports and visas of U.S.-bound visitors prior to their departure from foreign airports. This keeps terrorists away from our shores, and perhaps most importantly, it prevents those who want to do us harm from even boarding flights headed for the United States. The Menendez Substitute has no comparable provisions.

H.R. 10 also increases staffing and improves training of our consular officers who are the first line of defense in screening out potential terrorists. In addition, the legislation increases penalties for convictions involving fraudulent, government-issued visas and passports, Again, the Menendez Substitute does not address these problems.

In line with the 9–11 Commission's recommendation, H.R. 10 explicitly requires the State Department to make denial of terrorist mobility a top priority of the Department's chief counterterrorist official. No similar provision exists in other legislative options.

With regard to Afghanistan, which I might add is just two days away from its first national elections, the provisions included in H.R. 10 are far superior to the Mendendez Substitute. The Commission concluded that the allocation of reconstruction funds in Afghanistan was too compartmentalized. We have solved that problem with the appointment of a coordinator tasked with broad authority. H.R. 10 also restates our commitment to the rule of law and vital educational programs in Afghanistan.

Mr. Chairman, although the Mendendez Substitute represents a serious effort to address a few of the problems posed by terrorists to the security of the United States, its unspoken premise is that difficult problems can be easily solved by the simple act of throwing money at them. We have no shortage of examples of government programs were this approach has not only failed, but actually rendered our problems worse. Here, the greatest danger stems from the complacency that will result from our merely having increased spending while congratulating ourselves for having taken swift action.

In the final analysis, we cannot substitute money for careful thought, nor can we buy our way out of the difficult task of crafting wise and effective policies. H.R. 10 doesn't just throw money at the problem. Instead, it defines priorities by which to eliminate fragmented management and operations structures, redirecting resources to where they are most necessary in order to build intelligence capabilities to counter terrorist threats through the best possible means—exactly as the Commission recommended. It is time to enact these concrete solutions to confront the threat head-on.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the country is at war, and the first requirement of a country at war is unity. Yesterday, the other body voted 96 to 2 to approve legislation that the 9/11 Commission's chairman, former Republican Governor of New Jersey Tom Kean, hailed as ''a dream come true.'' Afterward, one of the Republican authors of that legislation, a universally respected and admired war hero, said, ''This is one of my prouder moments because of the way this entire body has acted in the national interest.''

Mr. Chairman, what will we in what is known as the people's House be able to say of our debate today when it is done? That we pulled together in the same spirit that all Americans showed when we came together after September 11? Or that we deepened divisions by subjecting this process to rancorous and divisive partisanship?

Later in this debate, we will have the perfect framework to bring unity to our Nation that experienced such unspeakable loss of life on September 11, a Nation that in the heat of an election season is becoming divided even over things that once brought us together. The Menendez substitute reflects the recommendations of the bipartisan 9/11 Commission which in turn have been strongly endorsed by those who lost the most on that tragic autumn day, the families of the victims of September 11.

The Menendez substitute, Mr. Chairman, minutely follows the unanimous recommendations of the bipartisan 9/11 Commission and of the legislation approved yesterday by the other body, let me repeat, by a vote of 96 to 2. The most conservative Republicans and the most liberal Democrats saw fit to vote for that legislation which is the Menendez substitute. The two dissenters raised no substantive concerns whatsoever. They simply believed that the bill was moving too fast through the legislative process.

Mr. Chairman, if there are no major substantive problems with the legislation approved by the other body, why do we need to reinvent the wheel? Or perhaps more aptly, spin our wheels on legislation with divisive additional measures and legislation that does not reflect the 9/11 Commission's report?

The American people do not wish to see further divisions in Washington. Troops are bleeding in Afghanistan and Iraq, tens of thousands of military families have been affected dramatically, but the bill before the House only exacerbates divisions that are fueled by the fervor of a national election. We may disagree on the virtues and shortcomings of the two major proposals, but we can all agree that divisiveness and partisanship are contrary to our national interest in the autumn of 2004. Soon we will hear some severe criticism of the Menendez substitute, but I ask my friends across the aisle, how can the Menendez legislation be so terrible since every single Republican Senator voted for it?

While I strongly support the Menendez substitute, I would be remiss if I did not acknowledge the bipartisan spirit in which the distinguished chairman of the Committee on International Relations, my dear friend from Illinois (Mr. HYDE), approached the provisions of this legislation which are within the jurisdiction of the Committee on International Relations. Chairman HYDE took into account Democratic views in crafting title IV of this bill; and I support many of its provisions, although some measures the Democrats had proposed were left out.

Mr. Chairman, we are at the hinge of history. The 9/11 Commission has spoken and the Nation is waiting. Now Congress must move assertively to further protect our Nation's security by enacting legislation in line with the commission's findings and what the American people want: well-laid plans for our security that do not sacrifice our solidarity.

Mr. Chairman, in a short while we will have the opportunity to vote for a bill strongly endorsed by the bipartisan 9/11 Commission, the families of the victims, and 96 Members of the other body, and to speed this critically important bill to the President's desk. The other choice is a partisan bill that does not embody all of the 9/11 Commission's intentions. I urge all of my colleagues to support the Menendez substitute.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair reminds all Members that it is not in order to cast reflections on the actions of the Senate or its Members, individually or collectively.

□ 1745

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, at the appropriate time, I intend to offer amendments to strike two provisions of H.R. 10, section 3006 and 3007, which, if enacted, would radically alter U.S. immigration law and put true refugees, bona fide refugees, at risk of injury or harm.

My amendments are supported by approximately 40 religious, refugee and human rights organizations, including the Catholic Bishops Conference, Hebrew Immigrant Aid Society, Human Rights First, Boat People SOS, Refugees International, and many others.

I want to point out to my colleagues that the Bush administration in its statement of administration policy, SAP, which I just received a few minutes ago, makes clear that the administration strongly opposes the overbroad expansion of expedited removal authority which is contained in the underlying bill. These sweeping changes that I would strike, Mr. Chairman, were not recommended by the 9/11 Commission nor have these provisions been sufficiently vetted and analyzed to fully understand their effect.

What we do know is that section 3006 drastically alters and expands existing authority known as ''expedited removal'' and it could put hundreds of thousands of refugees at risk of immediate deportation.

What we do know is that section 3007, among other things, replaces a clear, longstanding defined ''burden of proof'' standard for proving an asylum claim with a brand new unfair test that will almost certainly result in deportation regardless of merit.

One might ask, what is wrong with expanding expedited removal? A lot. Expedited removal takes away the rights of legitimate asylum seekers to a fair hearing before the proper authorities.

Tomorrow, we will take this up or perhaps later on tonight. I hope Members will support the amendments.

Mr. LANTOS. Mr. Chairman, I yield 1½ minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the ranking member of the Committee on International Relations for yielding me this time and also for continuing to forge bipartisan consensus on Committee on International Relations issues.

Let me just say today that I rise in strong opposition to H.R. 10, which is the fundamentally flawed bill before us today, and in support of the Menendez substitute.

What a shame that the Republicans decided really to take, as I say, the partisan low road in crafting this bill and opted to play politics with the single most important issue facing this Nation today, our homeland security. What a shame, Mr. Chairman, that the Republicans inserted anti-immigrant and other controversial and really extraneous provisions into this bill. What a shame that the Republicans ignored at least 16, 16 provisions of the bipartisan 9/11 Commission's recommendations. And, yes, what a shame that this Republican bill is so weak, especially when it did not have to be.

But I guess, really, we should not be shocked by these actions. After all, the White House resisted the 9/11 Commission in the first place and really have taken every opportunity to politicize the most important of issues before this House.

Fortunately, we do have a stronger bipartisan alternative to H.R. 10. Fortunately, we have an alternative which respects civil liberties by creating a Civil Liberties Oversight Board. Fortunately, we have a bill which recognizes the true threat of nuclear proliferation by taking steps to strengthen efforts to secure nuclear materials. It is a bill that reflects the input of both sides of the aisle, days of consideration and debate and fully implements the 9/11 Commission recommendations.

Mr. LANTOS. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished chairman of the Democratic Caucus, the author of the Democratic substitute.

Mr. MENENDEZ. Mr. Chairman, as a senior member of the Committee on International Relations, I am shocked that the Republican bill falls well short of the Commission's recommendations. On four key international relations proposals designed to reduce the threat of terrorism, our Democratic amendment provides new money while the House Republican bill does virtually nothing. On prioritizing efforts in Afghanistan, reforming education in the Middle East, promoting American ideals abroad, encouraging economic development in the Middle East, our bill provides real support, and their bill does virtually nothing.

Like the 9/11 Commission's recommendations, the Menendez substitute protects the United States by taking real action to secure the peace in Afghanistan, the home of the Taliban and breeding ground for bin Laden and al Qaeda. Our bill puts new money on the table to fight terror and promote democracy in Afghanistan. Their bill asks for new reports. When will we learn that Osama bin Laden attacked the United States, not Saddam Hussein?

Like the 9/11 Commission's recommendations, the Menendez substitute recognizes that the gravest threat our Nation faces today is the potential for a nuclear weapon to land in the hands of terrorists. That is why we must stop the spread of nuclear weapons and secure the world's existing stockpiles. Our amendment requires a plan to do exactly that. It also pushes the administration to secure loose nuclear material in the former Soviet Union and allows for increased funding to deal with proliferation threats elsewhere.

At a time when this country has secured less weapons material in the 2 years after September 11 than in the 2 years before it, the House Republican bill only calls for a study.

Vote for the Menendez substitute, which embodies the 9/11 Commission's recommendations on international relations and nuclear nonproliferation. That is, in essence, the way in which we strengthen America.

And I thank the distinguished ranking Democrat for his very strong statement and his expertise, and I only wish that we can get our substitute passed because it embodies his views.

Mr. HYDE. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) for yielding me this time.

And I want to commend the gentleman from Illinois (Chairman HYDE) for putting together a comprehensive package of reforms to reinvigorate U.S. diplomacy in our war against Islamist terror.

I think that this comprehensive legislation includes many provisions to

improve our safety, including cracking down on illegal U.S. visas and passports, and it gets the ball rolling towards the use of biometric, tamper-resistant machine-readable passports. Clearly, border security is national security.

I also wanted to speak in opposition to the amendment suggested by the gentleman from New Jersey (Mr. SMITH) for expedited removal. And I do that because an illegal alien who has been in the United States for less than 5 years under this proposal is subject to expedited removal unless he applies for asylum and shows a credible fear of persecution. Then he is exempted. So this bill addresses that issue.

But what the amendment proposed by the gentleman from New Jersey (Mr. SMITH) would do is eliminate the expedited removal provision. The reason we have the provision is that, currently, many of the illegal aliens picked up on the border have to be released, and they have to be released because of lack of detention space. So they are asked to show up to a special hearing, and, of course, 87 percent, as we know, do not show up for that deportation hearing. This bill was crafted to solve the problem. The gentleman from New Jersey's (Chairman SMITH's) amendment would prevent that.

Secondly, the Ninth Circuit in California has given asylum to illegal aliens whose home governments believe they are terrorists on the theory that they are being persecuted because of the political beliefs of the terrorist organization. So the provision of the bill provides that if the alien applying for asylum is believed to be a terrorist, the alien has to show that a central reason is persecution for race, gender, political beliefs or religion.

The CHAIRMAN pro tempore (Mr. LINDER). All time for debate has expired for the Committee on International Relations.

It is now in order to recognize the Committee on Transportation and Infrastructure. The gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I rise to speak regarding H.R. 10, the 9/11 Recommendations Implementation Act.

I realize the importance of this legislation and understand the need for improving our intelligence gathering and coordination. The failure of our intelligence and law enforcement agencies to communicate has been demonstrated on numerous occasions. However, while there is no doubt that we must protect our country and our people from the threat of terrorism, we must also protect the viability of our economy. I want to stress that, the viability of our economy, and if we do not do so, especially in our Nation's transportation, the bad guys have won.

The Committee on Transportation and Infrastructure has worked very hard on a bipartisan basis for the last 3 years to develop the best transportation security possible. It was our committee that proposed and passed the first legislation to create the Transportation Security Administration, TSA. We have improved that legislation and moved other bills that improved security as well. We have exercised our oversight jurisdiction both thoroughly and prudently and with due respect to the concerns of the Department of Homeland Security and other federal agencies.

H.R. 10 contains new recommendations from our committee regarding improvements in aviation security and additional improvements in the area of maritime security. The Committee on Transportation and Infrastructure also reported recommendations regarding the funding of first responders.

Recently, I personally experienced how it felt to be on TSA's no-fly list when I was confused with another person with the same name. This was not a pleasant experience, but I was able to clear up the confusion fairly quickly and continued on my trip. H.R. 10 includes recommendations from the Committee on Transportation and Infrastructure that will provide travelers who are misidentified by the TSA an opportunity to appeal.

I have serious concerns regarding section 5027, encouraging the Committee on Rules to act on the recommendation regarding committee jurisdiction prior to the next Congress. This House should have an opportunity for full and fair debate on any changes to the structure of the standing committees or any changes to their jurisdiction. There should be regular order and a fair process for consideration of changes that could have seriously impacts on all the stakeholders and industries who will be affected by the way we exercise our jurisdiction and carry out our oversight.

The decision regarding the rules of the House should be made at the beginning of the next Congress. This is not a fight about turf as some might claim. It is about doing the best job for legislating that we can for the American people and that requires both expertise and balance. The committee with a single focus only on security, not balanced by concern for the economic and other consequences, could result in posing unreasonable burdens on the taxpayers and our economic base.

The current recommendations of the Select Committee on Homeland Security eliminate the ability of the Committee on Transportation and Infrastructure to exercise legislation or oversight jurisdiction over transportation security. The Select Committee on Homeland Security's recommendation has extremely serious consequences and deserves full consideration over the coming months.

Should this bill go to conference, I strongly encourage the conferees and the Committee on Rules to refrain from taking action that would prevent a full and fair debate on the changes to the rules. As we legislate to protect the homeland security in all areas of our national life, we must look at the whole picture and find the right balance between security and economic stability.

And may I respectfully suggest to the leadership of the House on both sides of the aisle and those that might be in the conference, and I will be one of them, if we, in fact, change the rules without going through the due process, I will vote and work against this legislation. Because if we disrupt our economic base, if we cannot continue the mission of moving our goods and people, then the bad guys have won. So we have to be very careful what we do. As we rush to judgment to pass a piece of legislation recommended by the 9/11 Commission, I will assure the Members that I want to study it very closely to make sure that we provide the security that is necessary but keep in mind the economic well-being of our people in this Nation.

Mr. Chairman, I reserve the balance of my time.

□ 1800

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I join at the outset with our chairman, the gentleman from Alaska, in expressing support for reserving to the next Congress the issue of jurisdiction of homeland security and how the matter of legislative authority over these issues should be handled. The gentleman is absolutely correct, and we are in full agreement.

Unfortunately, the bill we are considering, H.R. 10, implements only 11 of the 41 recommendations of the bipartisan 9/11 Commission. Our committee actually reported stronger language and better provisions than are in the vehicle before us today, and, had the process provided for it, our committee proposals in aviation and in transit would have been superior to what is in the pending legislation.

Actually the Menendez amendment in the nature of a substitute is superior. It implements all of the Commission recommendations and borrows from the other body's approach, which passed the other body 96 to 2. We are not likely to have that kind of outcome on the House floor today.

In a process where 50 items not recommended in the September 11 Commission report are added to this bill, our side is not allowed to offer amendments to the Menendez substitute in which we could have made major improvements, including not only those recommendations of our Committee on Transportation and Infrastructure, but many that we considered but have not yet acted upon.

Gaps exist, and, unfortunately, the September 11 Commission did not deal with highway, bridge, transit, rail and port facilities. We passed a port facility bill. We got it enacted, but it has not been funded.

The administration has not seen fit to put money into the port security requests that have come in the nature of some $2.9 billion requested by ports, both saltwater, fresh water and river ports in the United States. They are woefully inadequately funded, and yet all of us recall the tragedy of the USS Cole and the merchant vessel Limburg just 2 years ago. I can envision a scenario when the same type of attack is made upon cruise ships or LNG tankers or chemical tankers.

There are also threats from the 6 million containers that enter U.S. ports every year. We have no comprehensive means of screening containers. We need to do that. We need to invest maybe not the $7 billion the Coast Guard proposed, but something in that nature, and this H.R. 10 document does not move us in that direction.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MICA), and ask unanimous consent that he be allowed to control it.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 10. In fact, I think one of the most important parts of this legislation deals with aviation security. We have worked very hard over the past 2 years to try to come up with bipartisan solutions, things that really would make a difference. Many of those recommendations are contained in the 9/11 report.

Now, the 9/11 report is not perfect. It is put together by 10 people, and it does have some flaws in it. I want to talk about, unfortunately, the adoption and anatomy of adopting one of those flaws in the Menendez substitute which weakens the provisions of H.R. 10.

First of all, the Menendez substitute would strip vital provisions from H.R. 10. We have $60 million in mandatory funding for checkpoint explosive detection devices. Nothing is more important or no greater risk.

Actually, there are two risks. One is someone walking through a 1950s metal detector technology, metal detectors we have at our airports, with explosives strapped to themselves, and those metal detectors will not detect that. We need to deploy them now. The Menendez amendment strips that.

Second is biometric identification. We cannot tell today Mohammad Atta from Sam Hill. We need a biometric identification provision. We have a bipartisan provision, which the Menendez substitute drops from this bill.

Another potential threat is shoulder-launched missile nonproliferation programs. We have worked hard in a bipartisan fashion to eliminate that threat, and we have a four-part, well-thought-out, well-reasoned approach to dealing with that threat. Again, the Menendez substitute weakens and destroys things that we have been working on.

We have improvements in arming our pilots, one of the most effective protective measures, and secondary cockpit barriers. We paid attention to looking at those weaknesses. And also the Menendez substitute weakens international air marshal deployment.

So, again, I rise in strong support of the provisions of H.R. 10.

One of the things that I wanted to address tonight, and, unfortunately, it has even reached the presidential debates, to those uninformed candidates and some of my colleagues on this floor who continue to try to scare the traveling public to suggest that our air cargo carried in on a passenger aircraft is not screened and that we must take extreme measures and build a bureaucracy and march forward in different directions. As a result, they have put forward proposals that are not only unworkable, but would bring this Nation's economy to a grinding halt.

In fact, the facts are that we have a risk-based system in place now. Is it flawless? No. The facts are that building a larger TSA bureaucracy is not going to solve the problem. In fact, it will make the problem worse. The facts are that scaring people and running around the country and saying ''the sky is falling'' is just wrong and irresponsible.

Let us talk about the Menendez amendment and how it deals with hardened containers. Let me give you the anatomy of the development. Turn to page 393 of the report and see what the Commission recommended. Our committee has worked on these issues day and night, weekends, tirelessly, and our staff, since September 11, and even before that, on aviation security issues.

The Commission recommends, ''The TSA should require that every passenger aircraft carrying cargo must deploy at least one hardened container to carry any suspect cargo.''

That is not our recommendation. We met with these folks. Who in their right mind would allow suspect cargo on an aircraft? We have provisions already that do not allow ''suspect cargo'' on an aircraft. They also put ''one hardened container.'' What a goofy idea. ''One hardened container.''

First of all, the current law that we have a definition of and we have used again to define what we want is ''blast resistant container.'' So they just copied a recommendation without actually having it make sense.

Now, most of our aircraft that you fly on, a 737 that I fly on usually, an Airbus, regional jets that are our biggest proliferation of new aircraft, do not have aircraft containers. So what are we going to have to do, build one to put on there? They do not have containers. 737s have a container.

Think of how goofy this is. A 737, I am told, has 30 containers, so which container are we going to make blast resistant and allow suspicious cargo in violation of our current rules that do not even allow that? We are going to do ''eenie, meenie, minie, moe, in which one would the explosive cargo go?''

And I am pleased that the gentle-lady from California, Ms. MILLENDER-MCDONALD, whose district includes the manufacturer of these containers, supported the testing proposal when it was unanimously approved by the Transportation Committee.

TSA is currently drafting new, comprehensive standards for air cargo security, which should be finalized in the next several weeks. TSA has in place risk based, layered air cargo security system.

These directives include key components on the Known Shipper Program, the Indirect Air Carrier Program, the Freight Assessment Program and other increased oversight initiatives.

In addition, the airline industry has taken steps to upgrade their extensive ''known shipper'' program, which is currently the basis for air cargo screening procedures.

Right now we have a risk-based security system that targets high-risk shipments for additional screening, and combines layers of security along the supply chain.

Contrary to rhetoric, the Department of Homeland Security pre-screens 100 percent of all cargo that comes into the United States and conducts 100 percent inspections of high-risk shipments.

Rushing ahead without carefully considering all the risks and all the implications of security mandates would be destructive to ongoing efforts and have far-reaching and damaging implications.

The Department of Homeland Security's (DHS) has warned that some mandates could ''damage their efforts to provide security in the aviation environment and ensure the smooth flow of legitimate goods and people.''

DHS has also warned that due to ''significant technology limitations,'' ''. . . there is no practical way to achieve 100 percent manual screening and inspection of all air cargo.''

Only with technology can we effectively screen air cargo. Why do we not have that technology—I ask Senator PATTY MURRAY who in 2002 diverted R&D funds.

Therefore, given the lack of technology for screening air cargo, any mandate to screen 100 percent of cargo on passenger aircraft would require actual physical inspection of each piece of cargo placed aboard a passenger aircraft.

Now I know that my colleagues from the other side of the aisle would like this approach, because then we could hire thousands more screeners to do this work. According to the IG manual screening for weapons and explosives is the least effective means of detection.

This type of requirement would grind the transportation of air cargo to a virtual halt, or it would also result in a situation where passenger carriers would be denied the ability to transport cargo and guarantees the final nail in the bankruptcy coffin of our ailing major airlines.

Just as important, communities who rely on air cargo to receive much needed supplies, medicines, food, mail, and other necessities of life will be left high and dry.

We've spent $10 billion dollars since 9/11—just for passenger screening. And $6 billion of that on labor-costs alone—48,000 Federal screeners. All for a screening system that the DHS Inspector General reports fails to detect the most dangerous items most of the time.

We let the Fear-mongers push an unworkable deadline for baggage screening. Consequently, in our haste, we've wasted billions on ineffective, labor-intensive stand-alone and ineffective manual trace systems. If we had done it right in the first place, we would already have highly effective and highly efficient systems for passengers, baggage and cargo.

You would think that we would have learned from our mistakes—and not react in a knee jerk fashion. We need to be smarter about where we place our scarce and limited resources.

We must find the proper balance between enhancing air cargo security while ensuring that the flow of air commerce is not disrupted.

The Department of Homeland Security is doing all it can to find additional ways to enhance air cargo screening while technology catches up.

TSA budgeted about $55 million for fiscal year 2004 for research and development projects to enhance air cargo security.

Projects being funded include a pre-screening system to identify high-risk cargo, and technology and equipment to screen containerized air cargo and mail.

TSA also budgeted an additional $45 million in fiscal year 2004 for key initiatives in air cargo security oversight, including known shipper enhancements, canine explosives detection and 100 additional cargo inspectors.

And, both the House and the other body have allocated $75 million in research and development funds for air cargo security in fiscal year 2005.

Clearly air cargo security is being given much attention by both the Congress and the Administration.

Bottom line, the Department of Homeland Security is the proper entity to lead this effort and Congress should refrain from micro-managing this process.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. MICA) has expired.

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, yesterday the Senate overwhelmingly passed a bipartisan bill that would make needed changes to our Nation's intelligence community. Ninety-six Senators voted for it and the 9/11 Commission supported it. Whether you read the executive commission report, the executive summary or the full report, it is quite specific what they recommend.

Everyone recommends it, except the leadership of the House of Representatives. Once again, the important work of this body has morphed into a political exercise, and it is an additional tragedy that this comes as no surprise to any of us.

The leadership had their chance to proceed on this critical endeavor in a judicious, fair and thoughtful manner. H.R. 10 fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies. H.R. 10 fails to fully address transportation modes, such as inner-city rail and public transit. H.R. 10 fails to provide additional security assistance to Afghanistan or economic development assistance to Arab and Muslim countries. Yet somehow 50 extraneous provisions, none of which were recommended by the 9/11 Commission, have been added.

So today I will support the Menendez substitute. This substitute is based on the bipartisan Senate bill to fully implement the 9/11 Commission recommendations. It is the most effective approach to ensure that this process does not get sidetracked or enmeshed in a superfluous quagmire.

The safety and security of our Nation deserves more than the political ploys of the House leadership. I implore my colleagues to vote for the Menendez substitute.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the ranking member for yielding me time and for his work on this issue, and I thank the gentleman from Florida (Chairman Mica) too.

I believe the chairman and I share an opinion, and that is that the greatest threat to today's civil aviation is explosive devices. There are several ways in which the explosive devices can get on the plane. One is cargo. We have already talked about the inadequacies there. This bill does nothing to deal with that. Another is baggage. I had hoped this bill would deal with that.

In fact, our committee dealt with it. We doubled the annual investment in in-line automated baggage screening, but, strangely enough, that money disappeared before this bill came before us today. That is unfortunate.

When you link that to the fact that the majority party has arbitrarily limited the number of screeners we can have so they are not even utilizing the inadequate trace equipment and other things they have, and we have reports on how sometimes they cannot even operate the machines they have because they do not have enough people, we are not investing in the people and we are leaving gaps.

The bill does improve and begins to deal with the threat of suicide bombers and carry-on explosives, $30 million a year. We should do more. The Transportation Security Administration's own expert on this says it is a mature technology, we are using it to guard nuclear plants, military bases, we do not need to be testing it, we need to deploy it.

The $30 million a year in this bill is a lot better than what the administration is doing today. It is still not enough. We should have a goal of immediately purchasing and deploying explosives detection for all passenger checkpoints and carry-on bags, doubling at least the budget for in-line explosive screening, and doing a bottom-up survey to find out how many people we really need to do this job. It has never been done.

We had an arbitrary cut in the number of screeners. 11,000 were cut by the chairman of the Committee on Appropriations of jurisdiction. For what reason? Well, he said because we are going to buy new equipment. Then, of course, he did not fund the new equipment.

So we are leaving extraordinary gaps in our Nation's security. This is of tremendous concern and it should be, to the traveling public. This is a foolish place to save money. We can borrow money to give tax cuts to millionaires and billionaires. We can borrow to build infrastructure and provide security in Iraq. But we cannot afford the investment we need in the United States of America to do the things we need to do to make flying safe and prevent a tragedy like happened in Russia, which we have been predicting for more than 2 years is likely to happen here.

□ 1815

I wish that we could get the vote on a bill that would do all of those things. They will not let us do it.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy for yielding me this time, and his leadership.

Indeed, following on the heels of my friend, the gentleman from Oregon (Mr. DEFAZIO), our distinguished ranking member on the Subcommittee on Aviation, with the gentleman from Florida (Chairman MICA) and with the gentleman from Florida (Chairman YOUNG), we know in our committee how to work together to solve problems. We should be celebrating today what should be the ultimate expression of bipartisan support to make America safer.

Sadly, as has been chronicled by my friend, the gentleman from Oregon and others, that is not what we are doing today. We bypassed these opportunities and, instead, we have inserted in this bill provisions that would allow the deportation of suspects to countries where they can be tortured, enshrining a bizarre and despicable practice, even after the debacle at Abu Ghraib. It is not just immoral and in violation of treaties we have signed; it is a terrible risk to American lives.

If we were working together the way we know we can in our Committee on Transportation and Infrastructure, we would not have provisions like this. We would have been able to work through the Commission recommendations, not leaving out 14 that are incomplete and 16 not included at all, but the way the other body has done, supported by the administration.

We would not have failed to take action to strengthen nuclear counter proliferation efforts. We would find a way

to provide additional security assistance in Afghanistan, and we would not be in a situation where we failed to bring together, to give the National Intelligence Director sufficient authority over the budget and personnel of all of the intelligence agencies. We still have not remedied a fundamental flaw in our system that was made so evident in the report from the 9–11 Commission, what every Member of this House who has looked at it has discovered, that the FBI and the CIA could not communicate with each other, let alone with people within their chain of command.

Mr. Chairman, we can do better. The America public deserves better. We need to reject this proposal, adopt the Menendez amendment, and use that as a point of departure to give the American public the security they need, want, and deserve.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, all in all, unfortunately, we had a great opportunity to do something really good with this H.R. 10 from the recommendations of our committee. Had we gone further to deal with Amtrak and other rail protections, include our transit security provisions, and expand that to port security, we could have had a really good bill if our committee had been permitted to participate in the full, open process, instead of spending an enormous amount of time, like we have done over the last couple of days, naming post offices and other minuscule resolutions.

We have not achieved the goal that we should have of a really substantive bill.

The CHAIRMAN. All time has expired for the Committee on Transportation and Infrastructure.

It is now in order to recognize the Select Committee on Homeland Security. The gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself 3 minutes and 45 seconds.

I rise in strong support of H.R. 10, the 9/11 Recommendations Implementation Act.

Mr. Chairman, as chairman of the Select Committee on Homeland Security, I want to begin by thanking my ranking member, the gentleman from Texas (Mr. TURNER). The significant portions of H.R. 10 that were produced by the Select Committee on Homeland Security will represent the lasting contribution of our retiring colleague, and he is to be congratulated for his hard work in this effort.

I am sponsoring this legislation, H.R. 10, because I believe it represents a significant step in our ongoing battle to protect our Nation from terrorism. It is a truly comprehensive response to the 9–11 Commission recommendations.

Although the Commission's report and its recommendations are only 2 months old, the Select Committee on Homeland Security has been working on these very issues for 2 entire years; issues such as reforming our first responder funding system, enhancing interoperable communications, integrating intelligence and operational information to better track terrorists and frustrate their planned attacks, and improving information-sharing and cyber security. All have been the work of this committee.

Building on this work in over 50 hearings over 2 years, the Select Committee on Homeland Security has held hearings this August with the 9/11 Commission. We took testimony from Chairman Kean and Vice Chairman Hamilton, and from the Secretary of the Department of Homeland Security, Tom Ridge, among others, about the substance of these recommendations and the substance of this legislation. Based on this work, the Select Committee on Homeland Security has included in this legislation several proposals that comprise the bulk of H.R. 10.

First, reform of first responder grant funding, Title V, subtitle (a) of H.R. 10, fully incorporates H.R. 3266, the Faster and Smarter Funding For First Responders Act. This legislation satisfies each and every one of the 9/11 Commission's recommendations concerning the delivery of Federal homeland security assistance to State and local governments. Of all the proposals to reform Federal terrorism preparedness funding, H.R. 10 best exemplifies the spirit and intent of the Commission's recommendations in this area.

Specifically, H.R. 10 will require the Department of Homeland Security to prioritize homeland security assistance grants based upon risk to persons and to critical infrastructure. That is a key Commission recommendation. H.R. 10 requires the Department of Homeland Security to establish specific and measurable essential capabilities for State and local government terrorism preparedness, based on the recommendations of a 25-member advisory body comprised of first responders themselves, another key Commission recommendation that will help to control and prioritize spending in this area.

H.R. 10 requires States to allocate their Department of Homeland Security grant funding according to these prioritized criteria, as the 9/11 Commission recommends. And, H.R. 10 guarantees that each State will receive a sufficient minimum amount each year.

Mr. Chairman, beyond the Commission's recommendations, the Select Committee on Homeland Security also found that billions of dollars authorized and appropriated by this Congress and granted by the Department of Homeland Security, intended for first responders, are stuck in the pipeline. That money is not being spent. Only 29 percent of the billions of dollars of assistance from 2003 that this Congress has authorized only 29 percent of that assistance from fiscal 2003 has yet been spent. This legislation will unclog that pipeline and make sure the money gets to the front lines, the men and women who need it most.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER of Texas. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I want to commend my chairman, the gentleman from California (Mr. COX) for the bipartisan effort that he has put in with me on the Faster and Smarter Funding For First Responders Act, which is included in H.R. 10. I might say it has been an honor and a pleasure to serve with him over the last 2 years in what is I think the most important challenge of our time: making America safe.

We took 2 bills and we made them into one. It was a truly bipartisan effort. We are going to, for the first time, use the billions of dollars in first responder grants to build the essential capabilities that we need in this country to make America safer. We do not know today what we are getting for our investment; we certainly do not know what progress we are making. That will change with this bill. Instead of basing funding on arbitrary formulas, we will, for the first time, base funding on the risk and vulnerabilities that our communities, our regions, and our States are facing.

The bill before us improves our grant system in 2 ways. It builds a system of planning and accountability that does not exist today, and it allocates a much higher percentage of first responder funds to the areas that face the greatest threats and vulnerabilities. I appreciate the good work the chairman and I have been able to do together on this bill, as well as the work of the other members of our committee.

Unfortunately, Mr. Chairman, there are many other issues of critical importance that have not been addressed in H.R. 10. The Menendez substitute is a much more comprehensive effort to implement all 41 recommendations of the bipartisan 9/11 Commission. H.R. 10 is, in fact, a missed opportunity to take concrete steps to win the war against our terrorist enemies.

As the bipartisan 9/11 Commission stated, and virtually everyone has agreed, to defeat radical Islamic terrorism over the long term requires pursuing three strategies simultaneously. First, we must aggressively attack the terrorist cells wherever they exist. Secondly, we must protect the homeland. And third, we must create conditions to prevent the rise of future terrorists. Any legislation that purports to implement the findings of the 9/11 Commission must contain meaningful provisions on all three strategies.

The 9/11 Commissioners have strongly urged that all 41 of their recommendations be enacted. Unfortunately, our Republican colleagues who drafted H.R. 10 did not heed the advice

of the 9/11 Commission. We looked at the recommendations of H.R. 10 and found that it implements only 10 of the 41 fully, it implements 15 of the recommendations only partially and, of the final 15, they are either completely ignored or dealt with in no meaningful way.

In contrast, the bipartisan bills coming out of the Senate and the Menendez substitute implement all of the recommendations of the 9/11 Commission. H.R. 10 falls short in moving us forward faster and stronger in the war on terror.

Three years after 9/11, Mr. Chairman, bin Laden, the enemy who attacked us, is still on the loose, and al Qaeda is expanding its reach. Just last week, General Abizaid warned us about the growing threat in the Middle East and Central Asia region. We must double our special forces to go after the terrorists in over 60 countries around the world.

Three years after 9/11, we still do not have a fully integrated terrorist watch list. Three years after 9/11, the government still checks the watch list on airline flights that come from overseas after the plane is in the air, rather than before the passengers board. And we still do not check all of the air cargo for explosives that fly on the airplanes with us every day.

The greatest threat, Mr. Chairman, we face is a nuclear weapon in the hands of a terrorist. Yet, 3 years after 9/11, we still have not installed sufficient numbers of radiation detectors to check all of the cargo containers that come into our country by sea, land, and air. Three years after 9/11, our first responders still cannot communicate with one another in the event of an emergency, even though technology exists that allows them to do so. Three years after 9/11, our intelligence agencies can still not communicate one with another and share an integrated database so that a border inspector or a law enforcement officer can identify whether the person standing before them is a suspected terrorist or not.

Three years after 9/11, we still have 120,000 hours of untranslated terrorist-related wiretaps at the FBI that may contain information about the next terrorist attack. Three years after 9/11, our borders are still porous. A recent investigation by our committee revealed that over 25,000 illegal immigrants from countries other than Mexico came into this country, were released on their own personal bond, and 90 percent of them never showed up again.

Mr. Chairman, it has been 2 years since we were attacked with anthrax here on Capitol Hill and the administration said we need anthrax vaccines to vaccinate up to 25 million Americans. Today, in our national stockpile, we have enough vaccine for anthrax to vaccinate 500 people.

It is all about choices. The fiscal year 2004 appropriation is $20 billion more than we spent in the year of 9/11. Last year alone, the top 1 percent of Americans by income received 4 times as much in tax cuts as we spent in increased funding for homeland security over that 4-year period. Just today on this floor, we moved to instruct the FY 2005 homeland security appropriations bill and in it, the President had requested a half a billion dollars more. Fortunately, we gave him $1 billion more, and yet we spend $1 billion every week in Iraq.

□ 1830

It is all a matter of priorities. And, Mr. Chairman, we must get our priorities straight and make America safe again.

Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Washington (Ms. DUNN), the vice chairman of the Select Committee on Homeland Security.

Ms. DUNN. Mr. Chairman, I rise today in support of H.R. 10, the 9/11 Commission Implementation Act of 2004.

As the vice chairman of the Select Committee on Homeland Security, I am especially pleased that the Faster Smarter Funding for First Responders bill is part of this legislation.

Our committee traveled throughout the country to learn firsthand from first responders about the tools they need to protect our homeland. The message we consistently received was, our current system for funding is broken and needs to be fixed.

Despite unprecedented appropriations immediately following 9/11, our Nation's first responders were not receiving the funds on the ground fast enough, and some were not receiving any money at all.

They know and we know that, as terrorists are not arbitrary in selecting their targets, the Federal Government cannot afford arbitrary formulas for distributing the money. Dollars must be handed out on risk-based reasons, not population, not politics. The first responder section of H.R. 10 will fix the flaws in the current system.

The 9/11 Commission agreed and supported the committee's recommendation that ''homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.''

Mr. Chairman, we owe it to our first responders, those law enforcement and emergency personnel who put their lives at risk every single day to protect American citizens. Our committee crafted the legislation that will fix current funding problems by, one, creating a streamlined funding system; two, supporting partnership and mutual aid agreements; and, three, by assisting local officials in setting preparedness goals.

These innovative solutions are endorsed by 26 first responders organizations across the country, and I applaud the House leadership for making them part of this bill.

Mr. Chairman, the bill before us today, H.R. 10, deserves the support of every Member of our body and I urge its passage.

Mr. TURNER of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Texas (Mr. TURNER) for yielding me time. I would like to congratulate and thank the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) for their outstanding leadership. The gentleman from Texas (Mr. TURNER) will be missed. I know he will contribute to this country in many ways in the future.

The underlying bill represents a squandered opportunity to advance a consensus of the 9/11 Commission's report. The Menendez substitute represents that consensus, and it ought to be adopted.

The 9/11 Commission said that one of the flaws that led up to the 9/11 attack was that our intelligence agencies did not have incentives to share information with each other. The Menendez substitute provides those incentives. The underlying bill does not.

The 9/11 Commission acknowledged the fact that terrorists will strike a variety of targets. It acknowledged the fact that 90 percent of the critical infrastructure of this country is in private lands, nuclear power plants, chemical plants and other such facilities. The Menendez substitute picks up the 9/11 Commission's report and requires an analytical toughening of our defenses of that critical infrastructure. The underlying bill ignores that problem.

The 9/11 Commission report pointed out the travesty that on 9/11 police officers and fire fighters in New York City literally could not talk to each other because of the problem of the interoperability lacking among first responders. The Menendez substitute directs that that problem be fixed and funds it as per the 9/11 Commission. The underlying bill does not.

This bill will be back before us as a conference report. I hope that a strong vote for the Menendez substitute will add impetus for that conference to add here to the recommendations of the 9/11 Commission report and fix these problems.

Let us not squander an opportunity to advance a national consensus as set forward by Governor Kean and Congressman Hamilton. Let us advance that consensus tonight by voting ''yes'' on the Menendez substitute.

Mr. COX. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. THORNBERRY), the chairman of the Subcommittee on Cyber Security, Science and Research and Development.

Mr. THORNBERRY. Mr. Chairman, as I mentioned earlier in the debate, I think understandably the debate here

on the floor emphasizes differences we have with the underlying bill; but when you look at it, there is a lot of agreement in the general thrust of this bill and in the specific provisions.

One of those specific provisions is one that the ranking member, the gentlewoman from California (Ms. LOFGREN), and I have worked on to elevate the position of the Director of the National Cyber Division to an Assistant Secretary position in the Department of Homeland Security.

The reason we think that is a good idea is so that cybersecurity as an issue does not get lost in the bureaucracy; secondly, so that you can attract the kind of person one needs to attract that has the trust of industry and academia to do the kind of work that needs to be done in that position. But also, thirdly, so you can be at a level to deal with other elements of the government at an appropriate level and have other folks and other Departments treat you and treat the issues you bring before them appropriately.

Now, that is one provision. It has widespread support among the industry groups. We have worked with the Committee on Government Reform, the Committee on Science, the Committee on the Judiciary to formulate this provision; and it has, as far as I know, complete support on both sides of the aisle. There is a lot in this bill that helps make America safer, and I believe it deserves the support of all Members.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, there are many items in this legislation that could make us safe, but we would be much safer if we had focus and kept our eye on the target in support of the 9/11 Commission legislation under Shays-Maloney and, of course, under Collins-Lieberman-McCain.

These are the extraneous provisions: expedited removal of aliens without judicial review; extraneous provision, revocation of visas; extraneous provision, making it more difficult to obtain asylum; extraneous provision, limiting judicial review of orders of removal.

All of these have been condemned by the White House. All of these are extraneous and do not keep our eye on the target.

Extraneous provision, deportation of suspected terrorists to countries that engage in torture. We still have not corrected that. Extraneous provision, national driver's license and birth certificate requirements. We can do all of this better. We just need to do it in a more directed manner. Putting extraneous immigration matters into the bill does not make us safer. The 9/11 terrorists came in on legal documents. We can do a better job of comprehensive immigration reform in a bipartisan manner. This is just not the bill to do it.

Pass the Menendez substitute, the Shays-Maloney bill.

H.R. 10 lacks focus. It does not keep its eye on the target, which is the need to implement the recommendations of the 9/11 commission.

Extraneous Provision: Expedited Removal of Aliens

House Bill: Section 3006 directs immigration officers to order the expedited removal "from the United States without further hearing or review" of (a) arriving aliens and (b) aliens already in the United States who have false travel documents, who have not been admitted or paroled into the United States, and who have not been living continuously in the United States for the previous five years. This does not apply of the alien in question is applying for asylum. However, an alien applying for asylum cannot avoid expedited removal if he or she has been in the United States for more than a year.

Analysis: Under this provision, asylum-seekers with legally valid claims of persecution could be removed to their countries of origin to face that persecution. The provision also extends the use of expedited removal to aliens who have lived in the United States for several years. This is the first time expedited removal will be used against aliens already in the United States. Under current law, only arriving aliens are subject to expedited removal.

Extraneous Provision: Revocation of Visas

House Bill: Section 3008 eliminates all judicial review of a revoked visa, including habeas corpus review. The provision also makes an alien deportable if his or her visa has been revoked. In addition, this section eliminates the requirement that a petitioner receive notice of the revocation of his or her immigration petition. This provision also transfers the authority to review petitions of revocation from the Attorney General to the Secretary of Homeland Security.

Analysis: Aliens who used a fraudulent visa to enter the country can already be removed based on unlawful admission. The provision eliminates the basic protections of notice and judicial review for discretionary decisions made by the Justice or State Department.

Extraneous Provision: Making It More Difficult To Obtain Asylum

House Bill: Section 3007 amends the Immigration and Nationality Act to change evidentiary requirements for all asylum-seekers. Under the provision, the burden of proof is on the asylum-seeker to establish that he or she is a "refugee" under the statute. In order to sustain this burden, the applicant must (a) corroborate his or her testimony or (b) at the discretion of the trier of fact, provide an explanation as to why such corroborating evidence cannot be presented. Judicial review of a determination as to the availability of corroborating evidence is limited.

Analysis: Many of this provision's requirements are not tailored to suspected terrorists, but apply to all asylum-seekers. The new evidentiary standards will make it more difficult for legitimate asylum-seekers to obtain asylum and may do nothing to prevent terrorists from entering the country.

Extraneous Provision: Limiting Judicial Review of Orders of Removal

House Bill: Section 3009 amends the Immigration and Naturalization Act to eliminate habeas corpus review of certain orders of removal. Under the provision, circuit courts of appeal may only hear petitions based on constitutional claims or pure questions of law and are the sole and exclusive means of defense against an order of removal.

Analysis: This provision further restricts federal court review of discretionary immigration decisions and applies these restrictions to pending cases.

Extraneous Provision: Deportation of Suspected Terrorists to Countries that Engage in Torture

House Bill: Section 3031 amends the Immigration and Nationality Act to permit individuals whom the Secretary of Homeland Security determines to be "a danger to the security of the United States" to be removed to a country where they are likely to be persecuted or threatened. Section 3032 excludes suspected terrorists from protection under the Convention Against Torture.

Analysis: These sections conflict with the Convention Against Torture by allowing the Administration to turn suspected terrorists over to countries where they can be tortured.

Extraneous Provision: National Drivers License and Birth Certificate Requirements

House Bill: Sections 3051 through 3067 place a long list of requirements on the states relating to drivers licenses and birth certificates, including what information must appear on drivers licenses and birth certificates and what documents must be required to receive a state authenticated drivers license or birth certificate. The provisions require the verification of all identity documents before a drivers license or birth certificate is issued, as well as the creation of a national database of state drivers license records accessible by all states and the federal government. The provisions also require that states create a national network of electronic birth and death registration information.

Analysis: These provisions go well beyond the 9/11 Commission recommendation that the federal government "set standards for the issuance of birth certificates and sources of identification," which could be achieved without the elaborate and overly burdensome requirements set forth in the bill. They are opposed by the National Governors Association and the National Association of State Legislators, which predict that the new paperwork burdens will result in individuals waiting hours, if not days, to get a new drivers license or birth certificate. Civil liberties groups object to the potential loss of privacy created by the new national databases. Moreover, the linkage of all state databases, without any requirements for security or privacy protection, creates a severe risk of identity theft.

Mr. COX. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Subcommittee on Emergency Preparedness and Response.

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the underlying bill, H.R. 10; and I want to thank all of those who were involved in crafting its provisions. I think it is important to our Nation.

As a member of the Select Committee on Homeland Security and Chair of the Subcommittee on Emergency Preparedness and Response, I am extremely pleased that H.R. 10 includes critically important provisions regarding the funding for our first responders. My colleague, the gentlewoman from Washington (Ms. DUNN), the full committee vice chairman, talked about these issues.

I strongly believe, as does the chairman of the full committee and I think the 9/11 Commission, that it is important that we dispense homeland security funds not based on politics or peanut butter to every Member's district, but rather based on risk, to where we face a real threat. The provisions of that bill which are incorporated in this legislation moved through my subcommittee, and they ensure that States are awarded grant money to locals in a timely and efficient manner by establishing stringent timelines and incentives for grant disbursement, along with penalties for failure to disburse those funds.

They requires States to pass through at least 80 percent of their funds to local government so that first responders actually get the money and get it no later than 45 days after receiving the funds from the Federal Government.

They establish clear benchmarks for terrorism preparedness to help localities determine spending priorities with confidence. And they require parties to make spending decisions before the money is even allocated, thus facilitating quicker distribution of these funds to all recipients.

We move the planning process to the front end. The Senate bill does not fix this problem of back-ended distribution fights that slow distribution.

The 9/11 Commission supported this language. I think it is critically important, and I urge my colleagues to support the legislation.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ), the chairman of the Subcommittee on Border Security and Infrastructure of the Select Committee on Homeland Security.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank our ranking member, the gentleman from Texas (Mr. TURNER). He has been doing a great job, and we are going to miss him.

What do we need to do to be safer? I think there are three things we need to fix the intelligence system: we need to protect our infrastructure; we need to protect our assets in this country; and we need to prepare. We need to know how to react to an attack that is called the First Responders Issue, but I think this bill falls very, very short of really helping America. For example, protection of our ports still remains a glaring vulnerability in our Nation, and H.R. 10 largely ignores maritime security imposing a deadline or two, but really as far as things not really getting to what the problem is.

The Coast Guard estimates that required port security upgrades will cost $5.4 billion over the next 10 years; and despite this estimate, the administration has requested less than 1 percent of that amount for port security improvements. A terrorist attack involving a container at our ports could result in substantial loss of life and billions of dollars of economic losses.

This is not the first time this administration has ignored our vulnerabilities.

Mr. COX. Mr. Chairman, I yield myself 1 minute.

H.R. 10 includes several different provisions that the Select Committee on Homeland Security produced and assisted in drafting in this final product.

One is the provisions responsive to the 9/11 Commission's concerns about terrorist travel. H.R. 10 includes specific activities to be undertaken by several Federal agencies. It establishes a program within DHS to focus exclusively on terrorist travel. It ensures that this critical information will be shared with frontline personnel at our borders, our ports, and our consulates.

The Menendez bill, unfortunately, does not include these vital provisions and simply requires DHS to submit a strategy. H.R. 10 and the Select Committee on Homeland Security produced recommendations, legislative recommendations, to increase the number of border patrol agents, immigration and customs and enforcement investigators on our Nation's borders.

The ranking minority member on the Select Committee on Homeland Security produced a very thorough report highlighting the vulnerability of our Nation's borders. This is a very real concern to which H.R. 10 responds, but the Menendez bill strips out all of these provisions.

Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we have learned a lot about politics today, but this debate should be and ultimately is not about politics but about policy. Unfortunately, politics seems to come in every now and then. The 9/11 Commission's report is a substantive document describing and examining the circumstances that 3 years ago allowed 19 men to conceive, plan, and execute the murder of 3,000 Americans right under our noses. It is a highly detailed, exhaustive, thorough report, 567 pages; and Congress has the responsibility to respond with equal gravity and vigor, and now we have.

The bill before us now is the product of seven committees and more than 20 subcommittees. It is a substantive document that solves the substantive problems laid out by the 9/11 Commission report. Every provision, every word, Mr. Chairman, of this bill will make Americans safer and help to prevent terrorism from ever striking our soil again as it did on 9/11. It makes tough choices, it sets tough policy, and it will reaffirm the one fact that too often is ignored by too many: we are at war.

□ 1845

The first priority in this war is the protection of the American people, the first priority.

I know some have portrayed the House bill as controversial, but the more information about its contents that is revealed, the more support it garners.

The policies set forth in this bill before us are so obvious, so self-evidently necessary that most Americans would probably be surprised to learn that they are not already on the books. Forget the spin for a moment and look at the policies.

The House bill creates the National Intelligence Director and the National counterterrorism Center. It authorizes law enforcement authorities to track lone wolf terrorists. It cuts off material support for terrorists. It strengthens laws against weapons of mass destruction and enhances airline security.

It doubles the number of border patrol officers and triples the number of immigration enforcement agents.

It targets terrorist travel and ensures terrorists and violent criminals from other countries are deported, instead of released back on our streets.

It streamlines our homeland security and intelligence agency, and it improves Federal funding for first responders.

These provisions are not outside the scope of the 9/11 Commission report. They are the 9/11 Commission report. Those eight provisions alone that I just mentioned answer 18 separate commission recommendations, and I just chose them at random.

By contrast, consider one of the principal policy initiatives of the proposal preferred by the Democrats, the disclosure and publicizing of the United States intelligence budget. Just think about what that means for a second. Not only would an al Qaeda be able to track every last dollar we are spending to capture and kill them, but Iraqi insurgents, the governments of Iran, North Korea, Communist China, they will know exactly when and where and how our Nation defends itself.

The words of President Bush on this issue are worth repeating: ''Disclosing to the Nation's enemies, especially during wartime, the amounts requested by the President, and provided by the Congress, for the conduct of the Nation's intelligence activities would be a mistake.''

In other words, we do not tell the bad guys how exactly we plan to capture and kill them.

Those who have crafted the alternative proposal have done so in good faith, I guess, but their final product, Mr. Chairman, is woefully insufficient. It does not secure our borders. It does not provide law enforcement authorities with enough tools to catch and prosecute terrorists, and it does not engage the international community in the diplomatic front on our war on terror.

I might say, the substitute that is going to be offered by the Democrats and claim to be bipartisan is a fraud. If it were bipartisan, then why did the

Democrats take the Shays-Maloney bipartisan bill, copy it and introduce it as the Menendez Democrat bill? That is not bipartisan. It is a cynical attempt to play politics with the safety of our families.

No, Mr. Chairman, this is the bill. This is the bill that will make every citizen in this country safer and make every terrorist hunting our citizens less safe. This is the bill that calls a war a war and a terrorist a terrorist. This is the bill that will help America stay one step ahead of the men who, if they could, would kill every last one of us, regardless of party, race, creed or color. This is the bill that will help us defeat an enemy, win a war and secure a future of freedom for our children.

I urge all my colleagues to do the right thing, make the difficult choices they were elected to make and vote for this bill and vote against the substitute.

Mr. COOPER. Mr. Chairman, during floor debate on H.R. 10, Mr. WELDON referred to me as being ''untruthful'' regarding two matters: (a) White House support for, as I described it during the debate, ''basically the Collins-Lieberman bill; the closest thing to which we will be able to discuss is the Menendez substitute'', and (b) my description during the Armed Services Committee markup of H.R. 10 of a voice vote on an amendment I offered in another committee, the Government Reform Committee.

As I stated during the floor debate, but I was unsure the official reporter heard, since Mr. WELDON refused to yield time to me, I felt strongly Mr. WELDON was mistaken in his characterization.

(a) What is the White House's position? According to the White House's Statement of Administration Policy of Sept. 28, 2004, ''the Administration supports Senate passage of S. 2845 (the Collins-Lieberman bill).'' Since the Rules Committee did not allow the Collins-Lieberman bill to be voted on by the House, the Menendez substitute was the closest approximation of the Collins-Lieberman legislation. In fact, as described by the Rules Committee, the Menendez substitute ''merges two bills endorsed by the 9/11 Commission: Collins-Lieberman (S. 2845) . . . and McCain/Lieberman (S. 2774). . . .''

(b) What happened in the Government Reform Committee? The draft transcript of the Government Reform markup of Sept. 29, 2004 includes the following statement from Chairman TOM DAVIS on my amendment, ''In the opinion of the Chair, the ayes have it. I will ask for a rollcall on that.''

Later in the Government Reform markup, when I asked Chairman DAVIS for his recollection of the voice vote, he said, as reported in the draft transcript, ''Let the record show the ayes had it at the time, but I had the right to request a rollcall . . .''

In summary, it is clear from the record that the White House supports S. 2845, and that a voice vote in my favor occurred in the Government Reform Committee.

Mr. TIAHRT. Mr. Chairman, I rise in strong support of H.R. 10—the 9/11 Recommendations Implementation Act.

On September 11, 2001, life in America was irreversibly changed. That day we were quickly drawn into a war to confront a threat we did not fully understand.

In July, after months of hearings and research, the 9–11 Commission released its report on the events leading up to, including, and following that infamous day. The report laid it all out in a straightforward manner that the public easily understand. I don't think any government publication has ever landed on the bestseller list, which speaks not only to the Commission's work but also the level of commitment of Americans to understanding and stemming terrorist activity. I'd like to thank the Commission for their work and also the families of the victims for their unwavering commitment to improving national security.

The 9–11 Commission report detailed the terrorist mindset; the hatred, the religious fanaticism, the unimaginable degree of commitment to do us harm and destroy our culture. Osama bin Ladin's Letter to America of November 24, 2002 states that the Islamic nation ''desires death more than you [America] desire life.''

The 9–11 report tells us that: ''Plans to attack the United States were developed with unwavering single-mindedness throughout the 1990s. Bin Ladin saw himself as called to . . . serve as the rallying point and organizer of a new kind of war to destroy America and bring the world to Islam.''

We are fighting a war like this country has never seen. A war against an enemy that doesn't value life, that does not in their own words ''differentiate between those dressed in military uniforms and civilians; they are all targets in this fatwa.'' This makes our job to literally protect our way of life much harder.

Today we are considering legislation that addresses the recommendations made by the 9/11 Commission. It proposes the most sweeping changes to our national security apparatus since the CIA was created more than 50 years ago. Most importantly, we are creating a position, the National Intelligence Director, that will have broad authority over the entire intelligence community. Divisions and tensions between the different intelligence agencies have hampered our ability to effectively target al Qaeda. This legislation will provide the authority necessary to unite the intelligence community and address problems before they materialize.

The new National Intelligence Director will have enhanced budgetary and personnel authority over the elements of the intelligence community—and will dedicate his full attention to the job of intelligence community management. This will leave the day to day duties of running intelligence agencies to their directors.

The 9–11 Commission identified deficiencies in the ability to share information that is essential to preventing future terrorist activities—and we are fixing that.

This legislation mandates the National Intelligence Director to create a network designed to share information across agencies and break down the barriers. There will be uniform security policies that will promote sharing information rather than hoarding it for one agency's use.

This legislation will also reduce the barriers between our domestic law enforcement activities and our foreign intelligence activities by creating a National Counter Terrorism Center.

There are many additional provisions in this act that will strengthen our capability to protect Americans at home and abroad.

This bill has the strong support of all the committees of jurisdiction.

So, I ask my fellow Members to give it their full support.

If Osama bin Ladin was here today, he would surely oppose it. For a divided intelligence community, and a divided America would allow him to operate more freely in carrying out his war against our culture and our people.

September 11, 2001 showed us in the danger of Islamic terrorism. It also taught us that deficiencies in our own system made it possible for terrorists to operate right under our noses.

Our most important duty as Members of Congress is to protect our Nation from ever experiencing that lesson again. For that reason, we must pass this legislation and improve our intelligence capabilities.

Mr. EVERETT. Mr. Chairman, the terrorist attacks on our homeland that occurred on September 11th, 2001 changed the world forever for all Americans. The collective national loss we felt on that day is no less painful today, and ranks as one of the darkest moments in our national history. In that solemn hour, our President was rightly resolved to take the fight to the terrorists and not to stop until justice prevailed and the threat was mitigated.

Today, 3 years later, we are still very much engaged in the war on terror. Since the release of the 9/11 Commission report in July, the national media and many politicians have called for the immediate adoption of all the report's 41 recommendations, which is the path being taken by the other body. Mr. Chairman, I fear that we are moving too fast to implement a solution that does not match the problem. Moreover, election year politics are driving us to address the shortfalls between foreign and domestic intelligence by unwisely tinkering with the military. This could prove to have grave and unintended consequences to our troops currently in battle and our future military operations.

Long before the 9/11 Commission report hit bookstores and the commissioners launched their book tours, this Republican-led Congress and the Bush Administration took many measures designed to enhance our Nation's homeland security. I feel it is important to highlight these accomplishments that clearly illustrate Congress's dedication to keep our Nation safe. At an August hearing held by the House Permanent Select Committee on Intelligence, Vice-Chairman of the Commission, Lee Hamilton admitted that a lot of progress has been made in many areas, including hurting al Qaeda and inhibiting their ability to respond, while also beefing up security here at home. In fact, it has been disclosed that our security efforts have since prevented several post 9/11 terrorist incidents.

Furthermore, we have already taken action through Operations Enduring Freedom and Iraq Freedom to eliminate safe havens for terrorists in foreign lands—including Al Qaeda's top sanctuary, Afghanistan. Additionally, we have made progress in blocking sources of weapons of mass destruction from terrorists, including the elimination of the A.Q. Khan nuclear proliferation network and Libya's WMD and long-range missile programs.

On a more positive note, this legislation does encompass many of the recommendations adopted by the Committees on Armed Services and Intelligence to improve intelligence operations. This measure reforms the

intelligence community consistent with the framework established by the 9/11 Commission by creating a National Intelligence Director (NID) with substantial budget and personnel authority as well as a National Counterterrorism Center (NCTC).

Specifically, the NID will have expanded statutory, budgetary, and personnel powers over the National Intelligence Program (NIP). The NIP is composed of CIA, parts of the National Security Agency (NSA), the National Reconnaissance Office (NRO), the National Geospatial Agency (NGA), FBI, State, and Homeland Security. This excludes the Pentagon's joint military and tactical intelligence programs, which allows the Secretary of Defense to continue to directly support the joint and tactical requirements of military intelligence. The budget authorities given to the NID were carefully crafted to preserve the ability of the Secretary of Defense to rely on these agencies to provide the best military intelligence directly to combatant commanders, which in my view makes this superior to the other proposal adopted by the other body.

Mr. Chairman, it is important to note that the 9/11 Commission did not suggest that DoD management of intelligence agencies contributed to 9/11. In fact, when testifying before the House Armed Services Committee, Mr. Hamilton suggested that the military intelligence system is not broken. As such, it is imperative that we preserve the intelligence lifeline to our troops by ensuring that more bureaucracy, distance and unnecessary obstacles do not come between our troops and strategic and tactical intelligence; an increasingly critical tool in today's battlefield. Specifically, Mr. Hamilton said, ''I think the committee has helped us in understanding the importance of tactical military intelligence. And I think some of our recommendations can be refined.'' He also added, ''I think the questions that are being asked here are helpful to us and causes me to think that we need to refine some of our thinking in this very important area, and we will try to do that.''

Mr. Chairman, there are 158,000 troops currently in theater and their combatant commanders need to know they can count on the military chain of command to quickly access critical intelligence resources. As has been said before, first do no harm. The balance maintained in this bill can be literally a matter of life and death for these brave men and women serving overseas. My support of this legislation is predicated upon my strong reservations about the measure adopted by the other body, and with the hope that the provisions of H.R. 10 that I outlined will prevail in conference.

Mr. PEARCE. Mr. Chairman, I rise in support of H.R. 10, the 9/11 Recommendations Implementation Act.

I appreciate the Judiciary Subcommittee on Immigration, Border Security and Claims' efforts to include additional full-time border patrol agents in this legislation. I also appreciate the fine work of your staff to create awareness about the significant need for additional resources to the Mexico-New Mexico border.

As Customs and Border Protection augments its efforts through additional money, agents and technology to the more high-profiled southern Border States such as California, Arizona and Texas, New Mexico's border law enforcement agencies are left understaffed and unprepared for the increased drug trafficking and human smuggling resulting from the crackdown in neighboring states.

Today, after $19 billion spent for border security and technology in the last 2 years, DHS has increased its emphasis on Arizona border security through its Arizona Border Control Initiative.

This Initiative invests $10 million in the Tucson Customs and Border Protection region to hire more border agents, improve technology and provide unmanned aerial vehicles (UAVs). As a result, more than 2,000 border patrol agents will be assigned to the region. This makes an average of six agents for each mile of border in Arizona.

However, with only 425 border patrol agents in New Mexico, there are fewer than 2 agents per mile of border. Yet, increasing pressure against illegal activity on the Arizona border has resulted in increasing drug and human trafficking spilling over into New Mexico.

For example, in FY 2004, agents in Lordsburg, New Mexico made 141 percent more apprehensions than all of last year.

I strongly encourage my colleagues to consider providing New Mexico with additional resources to make our border more secure. I look forward to working with the Committee to ensure the necessary resources are provided to protect our border.

Mr. Chairman, I urge passage of H.R. 10.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today greatly disappointed, but unfortunately not surprised, that the majority has once again decided to trump substantive policy with petty politics. As we are well aware, in late August the bipartisan 9/11 Commission issued the report they diligently prepared regarding the circumstances surrounding the horrific and tragic terrorist attacks that took place on September 11, 2001. I immediately called upon the Majority to bring Congress back in session to respond to the 9/11 Commission Report. Sadly, the Majority has ignored a great number of the recommendations of the bipartisan report.

As part of their report, the 10 members of the commission made 41 recommendations to prevent future terrorist attacks. In fact, H.R. 10 contains only 11 of these recommendations. Equally alarming to the number of recommendations made by the 9/11 Commission that are not included in this bill, is the number of recommendations not made by the 9/11 Commission that are included in this bill. Amazingly, the Majority has inserted over 50 extraneous provisions not found anywhere in the 9/11 Commission Report. Several of these are so controversial that even the 9/11 Commission itself and families of victims of the tragic events of 9/11 have voiced their opposition to H.R. 10.

Mr. Chairman, thankfully for those of us who recognize this legislation for what it is, a partisan attempt at political gain, we can take solace in the fact that the Senate just yesterday passed the bipartisan Collins-Lieberman-McCain legislation. This legislation reflects the unanimous, bipartisan recommendations of the 9/11 Commission and is also similar to Mr. Menendez's substitute that I will support today. It is my hope that the legislative product that emerges from conference with the Senate will much more accurately reflect the 9/11 Commission recommendations that H.R. 10 does today. The future security of our Nation depends on it.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 10. This is a bad bill. This is a partisan bill. This is an arrogant bill. Unlike the other body, the majority excluded Democrats from the process. They met behind closed doors and came up with their bill. They did this with the Medicare Bill. They did this with the Energy Bill. Now they are doing this with important Intelligence Reform bill.

The Commission made 41 recommendations. These were unanimous. There were 5 Republican and 5 Democratic Commissioners. There was no dissent. This bill implements only 11 recommendations. It ignores 15 recommendations of those recommendations. Worst of all, this bill includes over 50 extraneous provisions that were not in the final 9/11 Commission report. This bill does not meet the important requirements of the 9/11 Commission report.

Mr. Speaker, the Congress handed the bipartisan 9/11 Commission the task to thoroughly investigate Osama bin Laden's al Qaeda network and how it financed, trained, and aided the terrorist hijackers.

We asked them to create a report of there findings. They did. We asked the commission to come back with recommendations. They did. We must not pick and choose recommendations based upon the election season. As the 9/11 Commissioners repeatedly emphasized before our congressional committees, it is important to enact the recommendations as a complete package.

This bill fails to create the government wide civil liberties board recommended by the commission and contained in the Senate bill. This bill fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies. This bill fails to secure U.S. borders by integrating disparate screening systems. Worst of all, it includes over 50 provisions that were not part of the report.

Of those additional provisions, three are particularly appalling. It gives the President ''fast track'' authority to reorganize the intelligence agencies, undermining the reforms recommended by the 9/11 Commission. It gives the President authority to bypass Senate confirmation of the Director of the CIA and other key intelligence and defense officials, weakening congressional oversight. Finally, it gives Federal law enforcement officials new authority to deport foreign nationals, revoke visas, and deny asylum without judicial review.

If we brought up the bipartisan bill offered by Congresswoman MALONEY and Congressman SHAYS we could avoid the wrangling of a conference committee. We could avoid the delays and avoid weeks of uncertainty. Most of all, we could provide the American people some peace of mind.

Mr. Chairman, we must not play politics with the national security of our country. We must work on a bipartisan basis to reform the system to make us more secure. This bill does not meet the important requirements of the 9/11 Commission report. This bill will not make us safe. I urge my colleagues to vote against this arrogant, partisan bill.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 10, the 9/11 Recommendations Implementation Act and the provisions included in the legislation that ensure the privacy and integrity of Social Security numbers.

According to the 9–11 Commission report, ''secure identification should begin in the United States.'' A critical step toward that goal must include safeguarding the Social Security number from theft and misuse.

When the Social Security number—commonly known as the ''SSN''—was created 68 years ago, its only purpose was to tract a worker's earnings so that Social Security Taxes could be collected and benefits could be calculated. But today, use of the SSN is rampant.

Although SSNs are used for many legitimate purposes, their widespread use has made them very valuable to criminals. Someone who steals your Social Security number can literally steal your identity.

Victims can have their credit ruined, be harassed by bill collectors, be denied loans or even be mistakenly arrested because of the identity thief's crimes. And the number of victims is growing. In 2002 almost five percent of Americans were identity theft victims.

Worse yet, we have head repeated testimony on how terrorists use identity theft or fraudulently obtained SSNs to gain employment, engage in financial transactions and assimilate into our society. Preventing identity thieves from obtaining SSNs will help to protect Americans and our Nation from this threat.

For these reasons I introduced bipartisan legislation, H.R. 2971, the ''Social Security Number Privacy and Identity Theft Prevention Act of 2004.'' This legislation would restrict the sale and public display of SSNs, tighten procedures for issuing new SSNs, and establish penalties for violations.

This bill was unanimously approved by the Commission on Ways and Means on July 21, 2004. In addition, because of its far reaching impact, the bill was also referred to the Committees on Financial Services, Energy and Commerce, and Judiciary, whose thorough deliberations are necessary and important. Based on consultation with these committees, several provisions to ensure the privacy and integrity of SSNs have been included in the ''9/11 Recommendations Implementation Act.''

One provision would prohibit States from placing a person's full or partial SSN on a driver's license or ID card. While many States have done this voluntarily, it is only an option in other States. Enacting this provision will help prevent identity theft if a wallet is stolen or lost and help prevent rogue employees from accessing the SSN when a driver's license is presented for ID.

Two provisions would tighten the standards for issuing an SSN by preventing fraud in the process of assigning SSNs to newborns and requiring the Social Security Administration to verify birth certificates' authenticity. The Government Accountability Office's investigators showed how easy it would be for identity thieves or terrorists to get an official SSN by submitting a fraudulent birth certificate for a baby, and the Social Security Administration's Inspector General reported on lack of checks and balances and other weaknesses in the process parents use to sign up their newborns for an SSN while still in the hospital.

Another provision would limit the number of SSN replacement cards a person may receive to 3 per year and 10 per lifetime. Both the GAO and the SSA Inspector General recommended limiting SSN replacement cards to prevent their misuse by individuals working illegally in the United States or seeking to hide their identities.

Finally, two provisions would mandate studies on requiring photo ID when applying for Social Security benefits or an SSN card and on modifying the SSN to help employers identify individuals who are potentially not authorized to work in the United States.

Some of my colleagues may believe these provisions don't go far enough, and they're right. Providing for uses of SSNs that benefit the public while protecting these numbers from being used by criminals, or even terrorists, is a complex balancing act. There are powerful consumer and commerce benefits from business use of SSNs as a common identifier. It takes time to achieve legislation that is responsible, and balances privacy concerns with concerns over efficiency, but we are making progress.

Others would like see the Social Security card become an identification card, adding a photo or other biometric information encoded electronically in the card. Such proposals represent a new purpose for the Social Security card and a new role for the Social Security Administration. We must carefully consider the ramifications of such change, which the Ways and Means Subcommittee on Social Security will explore in hearings early next year.

The Social Security number measures in H.R. 10 are important steps in our fight to prevent terrorism. I urge my colleagues to support this bill.

Mrs. MALONEY. Mr. Chairman, as I have said, I oppose H.R. 10. But I have to give the Financial Services Committee this: They didn't add anything affirmatively harmful to this bill. Indeed, several of these provisions are things that this body has passed before and I support, such as providing the SEC with increased emergency authority, or authorizing Treasury to produce secure currency for other countries.

Indeed, one provision of the bill builds on recent legislation I cosponsored. I worked with Rep. KELLY to pass an appropriation of $25 million in funding for FinCEN to make key technological improvements in FinCEN systems. This bill authorizes no-year funding for that purpose, and that is commendable.

Other provisions are unobjectionable, such as making technical corrections to money laundering statutes, or requiring Treasury to prepare an annual Money Laundering Strategy. These are things we should have done some time ago.

My bigger concern in this Committee is with what we have not done as we come to the end of this session. There is financial services legislation we should be passing—but the majority has failed to give this body a chance to vote on it.

The Financial Services Committee voted out legislation extending the Terrorism Risk Insurance Act—but the leadership has failed to bring this to the floor. This is critical to the district I represent. We were attacked on 9/11 and we cannot rebuild and remake our commercial district without terrorism insurance. Together with many of my colleagues I have signed a letter asking that TRIA be brought to the floor and I hope that can still happen.

Similarly, the Financial Services Committee voted out legislation revising the bankruptcy laws to provide an orderly unwinding of financial contracts. This legislation is strongly supported by the Treasury Department. But again, it's missing in action.

We must set better priorities. We should pass TRIA and netting in this Congress.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to express my deep concerns about H.R. 10, the Republican Leadership's intelligence reorganization bill. There are many problems with this bill.

As the Ranking Democrat on the Intelligence Subcommittee on Terrorism and Homeland Security, I have been engaged in the debate on intelligence reorganization ever since 9/11. I was privileged to join 8 of my colleagues in April to introduce H.R. 4104, the Intelligence Transformation Act, which helped to inform the 9/11 Commission and was a precursor to the great debate we have had on intelligence reform over the last two months.

The bill the House is now being asked to consider does not come close to reflecting the legislation that I and others introduced this April, and its flaws are many.

The provisions contained in Title I are intended to strengthen intelligence, but they are far too weak. Where is the strong budget authority for the National Intelligence Director? Where is the strong hiring and firing authority for the National Intelligence Director? Where are the detailed provisions necessary for improving counterterrorism information sharing? Where is the National Counterterrorism Center's real power to coordinate counterterrorism operations? They are not in the Republican Leadership bill.

Senators COLLINS and LIEBERMAN have led a remarkable, bipartisan effort in the other body. They consulted with the 9/11 Commission and the 9/11 families. Their bill is a battle-tested product.

If the House of Representatives is going to undertake a serious effort to improve our response to terrorism, we must do so seriously. We must improve this seriously-flawed bill.

Mr. EVERETT. Mr. Chairman, the terrorist attacks on our homeland that occurred on September 11th, 2001 changed the world forever for all Americans. The collective national loss we felt on that day is no less painful today, and ranks as one of the darkest moments in our national history. In that solemn hour, our President was rightly resolved to take the fight to the terrorists and not to stop until justice prevailed and the threat was mitigated.

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Qaeda and inhibiting their ability to respond, while also beefing up security here at home. In fact, it has been disclosed that our security efforts have since prevented several post 9/11 terrorist incidents.

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On a more positive note, this legislation does encompass many of the recommendations adopted by the Committees on Armed Services and Intelligence to improve intelligence operations. This measure reforms the intelligence community consistent with the framework established by the 9/11 Commission by creating a National Intelligence Director (NID) with substantial budget and personnel authority as well as a National Counterterrorism Center (NCTC).

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Mr. Chairman, it is important to note that the 9/11 Commission did not suggest that DoD management of intelligence agencies contributed to 9/11. In fact, when testifying before the House Armed Services Committee, Mr. Hamilton suggested that the military intelligence support is not broken. As such, it is imperative that we preserve the intelligence lifeline to our troops by ensuring that more bureaucracy, distance and unnecessary obstacles do not come between our troops and strategic and tactical intelligence; an increasingly critical tool in today's battlefield. Specifically, Mr. Hamilton said, "I think the committee has helped us in understanding the importance of tactical military intelligence. And I think some of our recommendations can be refined." He also added, "I think the questions that are being asked here are helpful to us and causes me to think that we need to refine some of our thinking in this very important area, and we will try to do that.

Mr. Chairman, there are 158,000 troops currently in theater and their combatant commanders need to know they can count on the military chain of command to quickly access critical intelligence resources. As has been said before, first do no harm. The balance maintained in this bill can be literally a matter of life and death for these brave men and women serving overseas. My support of this legislation is predicated upon my strong reservations about the measure adopted by the other body and with the hope that the provisions of H.R. 10 that I outlined will prevail in conference.

Mr. BURR. Mr. Chairman, I rise today in strong support of H.R. 10. This bill represents the hard work and coordination of many Committees' of jurisdiction. The level of cooperation and collaboration that went into creating this bill demonstrates our commitment to bringing about real Intelligence Reform. This bill responds in a very serious way to the 9/11 Commission report.

As a member of the Intelligence Committee I have seen "first-hand" the needs facing the Intelligence Community. The intelligence reforms proposed by H.R. 10 go to the heart of these issues—and provide the remedies to correct many of the organizational problems that contributed to the tragedy of September 11th.

H.R. 10 addresses the major findings of the 9/11 Commission, in particular: It creates a strong and empowered National Intelligence Director; it enhances budget and management authorities of the national director; it improves information sharing by giving the director the mandate and authority to establish community-wide standards; it sharpens intelligence tools, particularly analytic capabilities; and it improves our ability to detect and deter terrorist threats.

Taken together—the new organization, these capabilities, and enhanced authorities—provide the foundation necessary to empower the National Intelligence Director to effect real transformation throughout the Intelligence Community.

While providing these new authorities, H.R. 10 carefully balances the authorities required to empower the National Intelligence Director to conduct the nation's intelligence analysis and collection operations, with the authorities of the Department heads who have to administer the intelligence elements that conduct and execute those operations.

Those checks and balances ensure that the equities of the various departments are not unintentionally harmed—and I will point out that, unlike other legislation that we will consider here today, H.R. 10 carefully and rightfully ensures unfettered intelligence support to our armed forces deployed around the world.

H.R. 10 also eliminates the creation of unnecessary new bureaucracies, unlike two substitute amendments that we will debate. The other major proposals being considered add layers of management between the Intelligence Community agencies and the National Intelligence Director. These layers create duplicative auditing agencies and burden intelligence operations with unnecessary review boards and councils. These layers will hamper the process of change not enhance it, and may even serve to prevent the dramatic changes that are needed.

Finally, H.R. 10 creates an Information Sharing Environment which will handle the sharing of all intelligence data, not just that which deals with terrorism.

The other proposals being considered limit the scope of technological change to simply one set of intelligence data. I can tell you first-hand—my experience on the Intelligence Committee has demonstrated to me that technological reform will come from the fusion and sharing of all intelligence data. Only H.R. 10 proposes to do this.

It is a very good bill, and I strongly urge my colleagues on both sides of the aisle to support H.R. 10.

Mr. MEEHAN. Mr. Chairman, I rise today in strong support of the substitute amendment to bring the House bill in line with the bipartisan recommendations of the September 11th Commission.

All Members of Congress should reflect on the events that have brought us here. We lost over 3,000 Americans on 9/11. 30 families from my district lost loved ones on that day.

Our government failed us on 9/11. It failed John Ogonowski, the Captain of American Airlines Flight 11, a constituent of mine who lived in Dracut, Massachusetts. Captain Ogonowski was an Air Force pilot and a Vietnam Veteran. But because of the massive failure of intelligence, and our failure to stop the terrorists and secure the cockpit door, Captain Ogonowski became a "sitting duck" in the words of his wife Peg.

There are thousands of families we failed on 9/11. And many of them have turned their grief into resolve—they are demanding action so that no family suffers a similar tragedy because the failures of this government.

Some of those families are here in Washington today. On 9/11, Sally and Don Goodrich lost their son Peter, who lived with his wife Rachel in Sudbury, MA. Both Sally and Don are in Washington today urging that Congress move forward on the Commission's recommendations on a bipartisan basis as soon as possible.

Last week I met with Carrie Lemack of Framingham, MA, who along with Don Goodrich helped to found "Families of September 11." Carrie and her sister, Danielle, lost their mom, Judy. Carrie came to Washington to attend the committee markups. She is urging Congress to put aside partisanship for once and do what we have to do to make America safer.

Loretta Filipov of Concord, MA, lost her husband Al on 9/11. Three years later, she believes the world is no safer. But as she says, "I refuse to live in fear." She's been writing and calling members of Congress urging us to work together to make the belated changes that will make us safer.

After 9/11, all of us recognized the need to improve our intelligence—but it was the families who lost loved ones on 9/11 who demanded action. The 9/11 families are the reason we had a bipartisan 9/11 Commission in the first place.

In July, the September 1th Commission gave Congress a blueprint for action. Its report included 43 very specific recommendations to fix the problems in our intelligence community and improve our homeland defense. All of the recommendations were bipartisan and unanimous.

The Senate is working on a bipartisan basis to follow the recommendations. Unfortunately, the House is taking a different approach. The Republican leadership in the House has decided to play politics with our homeland security. H.R. 10 was introduced without consulting the minority and rushed through committees days later, giving members little opportunity to look over the bill. Yesterday, the Rules Committee met in an emergency session to hear testimony on amendments without informing the rest of us.

But even more important than the process is what's in the bill, and what's not in the bill. Simply stated, H.R. 10 fails to follow the recommendations of the 9/11 Commission. It ignores many of the important things we need to

do to keep our homeland safe. And at the same time, this partisan Republican bill also goes far beyond what the Commissioners recommended in curbing the civil liberties of American citizens in ways that won't make us any safer.

For example, one of the central recommendations of the 9/11 Commissioners was to establish a National Intelligence Director with full budgetary authority over our national intelligence agencies. The Senate bill upholds this recommendation. The House bill fails to give the NID the authority to establish national priorities and force bureaucracies to work together.

The September 11th Commissioners also recommended that we establish a Cabinet-level National Counterterrorism Center. The Senate bill does that. But again, the House bill doesn't give the new Center the authority to coordinate the war on terror.

The September 11th Commission recommend strengthening the programs that help us secure loose nuclear materials in Russia and around the world. The Senate bill does this—the House bill just calls for a study of the issue. Last week, I joined with Congresswoman Tauscher and Congressman Spratt in introducing a bill that would meet the 9/11 Commission's recommendations for developing a long-term nonproliferation strategy. Unfortunately, when the legislation was offered as an amendment in the Armed Services Committee last week, we were told that it wasn't germane.

The September 11th Commission called for doing more to exchange information on terrorists with trusted allies. The House bill is silent on this matter.

The September 11th Commission also urged Congress to improve aviation security—specifically, that we screen people for explosives and also put cargo in hardened containers. Again, the Senate accomplishes this while the House fails.

Finally, the September 11th Commission calls for a Civil Liberties Oversight Board. This provision is in the Senate bill but not the House bill. In fact, the House bill goes overboard in undermining civil liberties. Instead of reexamining the Patriot Act to see what is working and what goes too far, the Republican leadership has included new powers for law enforcement without even holding a hearing on them.

The Republicans knew that these provisions would prevent Congress from finding consensus, moving forward, and passing a bill before the elections. I would have hoped that, for once, the Republican leadership wouldn't have let politics get in the way of needed steps to improve our national security. Regrettably, it has. But the 9/11 families have waited three years for action, and it's not too late to follow the example and the recommendations of the 9/11 Commission and move forward in a bipartisan way.

This Congress created the September 11th Commission for a reason—to conduct an independent investigation into the terrorist attacks and recommend policy changes to ensure that they never occur again. The Senate bill takes these recommendations seriously. The House bill does not. I therefore urge my colleagues to support the Menendez substitute amendment and adopt the language in the Senate version of the bill.

Mr. MARKEY. Mr. Chairman, I rise in opposition to H.R. 10. This bill is nothing more than a cynical sham masquerading as reform. It purports to implement the recommendations of the 9/11 Commission, but it actually implements only 11 of the Commission's 41 recommendations. What was left off the table? The bill on the House Floor today: Fails to strengthen our efforts to prevent proliferation of nuclear weapons; fails to give the National Intelligence Director sufficient authority over the budget and personnel of the intelligence agencies; and fails to secure U.S. borders by integrating disparate screening systems.

H.R. 10 has numerous additional flaws: There is no requirement to screen all cargo being placed on airplanes to ensure they do not contain explosives. There are NO whistleblower protections for TSA baggage screeners or employees of the FBI and the CIA who are retaliated against for disclosing security problems to their supervisors. Any reorganization of the intelligence community is rendered meaningless by the failure to protect modern day Paul Reveres like Coleen Rowley and Sibel Edmonds when they blow the whistle. An amendment offered by Mr. NADLER to increase the security of nuclear facilities and shipments of extremely hazardous materials that was actually ACCEPTED during the Judiciary Committee markup was inexplicably removed by the Rules Committee.

What was added to the bill? Dozens of pages of extraneous material that have nothing to do with anything that the 9/11 Commission recommended. The underlying bill actually contains a provision that would authorize the outsourcing of torture and limit any judicial review of this process! That's right—in this bill—H.R. 10—the House Republican leadership would actually make it easier for certain foreign persons to be sent to countries where they would be tortured in interrogations. I call this the Abu Ghraib-by-Proxy provision.

It's outrageous that these provisions have been snuck into the 9/11 bill behind closed doors when the 9/11 Commission specifically called for the United States to "offer an example of moral leadership in the world, committed to treat people humanely, abide by the law. . ." Nothing could be farther from the 9/11 Commission's intent when it issued this recommendation.

Where does the Bush Administration stand on this Abu Ghraib? The White House's Legal Counsel sent a letter to the Washington Post saying that the Administration does not support these provisions in this bill.

Earlier this year I introduced H.R. 4674, a bill that would explicitly bar the U.S. from deporting, extraditing, or otherwise rendering persons to foreign nations known to engage in the practice of torture. If we really want to implement the 9/11 commission recommendations, we would be including this type of proposal in the bill before us today. I asked the Rules Committee to approve an open Rule that would allow me to do this, but they refused.

What the Rules Committee did approve was a Rule that makes in order an amendment by the Gentleman from Indiana (Mr. HOSTETTLER). What does the Hostettler amendment do? It would rely on "diplomatic assurances" that detainees would not be tortured. We should not be trusting "diplomatic assurances" from torturers that they won't engage in torture.

Both H.R. 10 and the proposed Hostettler amendment would legitimize the practice of sending suspected terrorists to other countries to be tortured. That is wrong.

I urge a "no" vote on H.R. 10, and a NO vote on the Hostettler amendment.

The CHAIRMAN pro tempore (Mr. LINDER). All time for general debate has expired.

Mr. COX. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–762) on the resolution (H. Res. 830) waiving points of order against the conference report to accompany the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–763) on the resolution (H. Res. 831) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 4520, AMERICAN JOBS CREATION ACT OF 2004

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 830 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill

(H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, House Resolution 830 is a standard rule that provides for consideration of the conference report to accompany H.R. 4520, the American Jobs Creation Act of 2004.

The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report will be considered as read.

Mr. Speaker, over the past several years, America's economy has experienced more than its fair share of setbacks. We have had a triple shock of terrorist attacks, corporate scandals and a recession, but each and every time, this administration and this Congress has responded with sound policies to move forward, to create jobs, to stimulate economic growth.

After inheriting a slowing economy, President Bush and this Congress reacted quickly and enacted a series of tax cuts that resulted in the shortest and shallowest recession in this Nation's history. We have been resolute in our work towards recovery, and today, real GDP has grown at its fastest rate in 20 years.

More than 1.7 million jobs have been created, and more Americans are working today than in any other time in our history. The unemployment rate is below the average levels in each of the past three decades. In the past 4 years, we have seen the fastest rate of growth in productivity in more than a half a century. Homeownership continues at an all-time high.

In the particularly hard-hit manufacturing sector, we have seen 17 straight months of growth in activity, and the manufacturing employment index has been growing for 11 consecutive months. When President Bush took office, manufacturing employment had been on the decline for 3 years. In fact, more than 200,000 manufacturing jobs were lost in the last 6 months of the Clinton administration. So far this year, manufacturing employment is up by more than 107,000 jobs. We have seen the addition of 22,000 manufacturing jobs last month alone, and manufacturing output is at an all-time high.

But our work is not done until every American who wants a job can find one, and that is why, Mr. Speaker, I am proud to be here today on behalf of the American Jobs Creation Act by supporting this rule and the underlying conference report.

Now is the time to seize on the momentum that we have created and continue to enact policies that spur economic growth, generate jobs, bolster domestic manufacturing and protect small businesses and farmers.

As my colleagues know, European Union sanctions on American exports are costing our manufacturers and farmers billions of dollars. Tariffs currently stand at 12 percent and will continue to increase 1 percent per month until the FSC/ETI is repealed. That, Mr. Speaker, threatens the ability of our domestic companies to create jobs right here at home.

EU sanctions are increasing the price of 1,600 categories of U.S. goods sold outside of the United States. They are hindering the exporting capability of multiple industries.

Today, we have the power to stop them. Without our action, many small businesses and other employers face financial ruin, while their employees face their own job losses.

By repealing the FSC/ETI through the underlying conference report, this Congress will finally put an end to these staggering sanctions and help, once again, to put Americans to work.

This conference report permanently reduces the corporate tax rate to 32 percent for domestic, and only domestic, manufacturers, producers, farmers and small corporations. This is yet another stimulant for job growth, encouraging production and manufacturing here at home, giving employers incentives to reinvest, expand and, more importantly, create new jobs in the United States.

Mr. Speaker, the underlying report also addresses the primary obstacle in realizing even bigger job growth, the double taxation for U.S.-based manufacturers. Our global competitors enjoy a considerable advantage over the United States simply due to the burdensome U.S. tax code. In reducing this double taxation faced by U.S.-based companies, we greatly enhance their competitiveness in the global market and their ability to sell American-made goods, all the while making it easier for them to create more jobs here in the United States.

Mr. Speaker, another important part of H.R. 4520 is its relief for millions of small businesses and farmers from the alternative minimum tax. Over the years, that tax has unintentionally ensnared more and more middle-income Americans. With the passage of the underlying report today, this House will deliver much-needed relief for millions of American farmers and small businessmen.

We will end the double and triple taxation of farmer cooperatives, and we will provide capital gains tax relief when livestock is sold and replaced on account of drought and other weather-related disasters.

The conference report also makes it cheaper for existing businesses to increase their investment and for entrepreneurs to expense new ventures.

Provisions to promote investment in new equipment are extended for an additional 2 years. This increased investment opportunity provides significant stimulus to the economy, and further aids in boosting job growth.

Partnerships and S corporations also receive a reduction for domestic production activities under the conference report. A whole host of reforms are included which provide S corporations with $1.2 billion in tax relief.

In total, the conference report gives manufacturing companies, farms and small businesses $76.5 billion in stimulative tax relief through a reduction for income attributable to production activities here in the United States. This relief will help keep individuals from sending exorbitant amounts of their hard-earned money to Uncle Sam and use it instead to create new jobs and new opportunities.

Mr. Speaker, our colleagues have worked tirelessly on behalf of the American people throughout this process. I would like to especially commend the Chairman and the conference committee members for their steadfast support of sound tax policy and job creation.

We have the opportunity and the responsibility to not only continue but also accelerate the last year of economic growth and job creation. We can do that today by passing the American Jobs Creation Act of 2004.

I urge my colleagues to support the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes.

Mr. Speaker, I guess it is refreshing that the Republican leadership is allowing this House to debate and vote on a bill that now has actually been filed, and I am glad that the majority has finally provided paper copies of this massive bill to Members of this House.

□ 1900

Unfortunately, we are still considering a flawed bill under a very flawed process.

Let me remind my colleagues this rule waives the normal 3-day layover of the conference report. Those are the rules of the House. Members of Congress and the American people deserve to have at least 3 full days to read and examine and analyze this massive tax cut, but this rule waives that layover and allows this body to consider this bill today when most Members have not read the bill in its entirety.

Like I said this morning during debate on the martial law rule, this is not the first time the Republican leadership has broken and flaunted the rules to get their way. And while I continue to be disappointed by the way the Republican leadership continues to misuse the House rules, I want to talk for a few minutes about the substance of this conference report.

Mr. Speaker, to describe this bill as flawed does not do it justice. This conference report is a legislative grab bag filled with goodies for special interests. Every Member of this body knew about the export subsidy that was ruled illegal by the World Trade Organization. Thousands of U.S. exporters are needlessly paying tariffs to European countries simply because the Republican-controlled Congress has failed to pass legislation to avoid these penalties. Thanks to the Republican leadership of this Congress, jewelry, textile and small manufacturers in my Congressional District have been especially hard hit by these sanctions.

Now, our colleagues, the gentleman from Illinois (Mr. CRANE) and the gentleman from New York (Mr. RANGEL) joined together and sponsored a bipartisan bill to fix this problem a long time ago, and 177 Members are cosponsors of that bill. The Crane-Rangel bill was clean, it was simple, and it would bring the United States into compliance with the WTO without the extra add-ons that the Republican leadership felt compelled to include in this conference report as sweeteners or incentives for passage of this bill.

Crane-Rangel would have been approved by this House if the Republican leadership would have allowed the bill to come to the floor for an up-or-down vote. It would have been sent to the President and signed into law by now, if the Republican leadership did not drag its heels while pretending to address this problem. And its small cost could have been completely paid for.

Instead of bringing a clean bill fixing this problem to the floor, the Republican leadership has delivered this monstrosity. Once again, the Republican leadership has turned a noncontroversial issue in a noncontroversial bill into bad policy.

Does this conference report fix this problem we have with the WTO? Well, according to the Republican leadership it does. But according to press accounts, the European Union is hinting this legislation may not accomplish its goal; and, if true, the sanctions on American exports will not be lifted.

Mr. Speaker, there was a better way to do this, and I am disappointed that the Republican leadership took the hard way out of what should have been an easy problem to fix. But while this conference report should be about eliminating the WTO sanctions against American corporations, it is really about the tax breaks and other goodies provided to special interests.

This conference report gives tax breaks to various corporate interests. There are 276 separate tax breaks that benefit everyone from restaurant owners to foreign gamblers. Provisions like the one that will help native Alaskan whalers were inserted to help vulnerable Members in the other body win reelection. Home Depot and General Electric, two companies who have donated large sums of campaign funds to the Republican Party, get significant tax breaks in this bill.

Mr. Speaker, this conference report should not be used to reward corporate contributors. This is no way to do tax policy. We can and we should do better.

Now, if that were not bad enough, Mr. Speaker, several provisions that actually do help average Americans, which were included in the other body's version of this bill, were stripped out by Republican leaders. When the Republican leadership had a chance to actually do something good for a change, they turned away and ignored the needs and concerns of everyday Americans.

Included in this conference report is a bailout for tobacco farmers. This provision will provide $10 million to financially vulnerable tobacco farmers in tobacco communities. These funds would come from an assessment on tobacco companies, not from taxpayers.

While this bailout provision is important to a small segment of the American population, the heart of the amendment adopted by the other body was FDA regulation of tobacco. The Senate amendment would give the Food and Drug Administration the broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

We know that each day, 5,000 children try their first cigarette; that 2,000 children will become daily smokers, and nearly 1,000 will die prematurely from tobacco-induced diseases. The other body included this language as a bipartisan amendment adopted by a vote of 78 to 15. But instead of supporting this bipartisan amendment, the Republican leadership stripped FDA regulation from this conference report, leaving only the tobacco bailout.

By stripping out FDA regulation, we continue to leave our children vulnerable to the dangers of tobacco. This is unconscionable, and I am disappointed by the Republican leadership's action.

During debate on the other body's version of this legislation, two amendments were adopted to block President Bush's overtime regulations that recently went into effect. These regulations are yet another nasty attack by this administration on American workers.

Mr. Speaker, we all know that these overtime regulations will deny six million workers overtime protection. The House has voted against these regulations twice, and the other body has voted against it three times. These overtime cuts are pay cuts. When workers lose their overtime pay protection, employers force them to work longer hours for no extra pay. That is wrong.

Protecting the 40-hour workweek is vital to protecting the work-family balance for millions of Americans in communities in all parts of this Nation, and I am disappointed that the Republican leadership did not stand up to the corporate interests and support these two amendments. Instead, they caved to pressure from their corporate friends and allowed these misguided regulations to continue to stay in effect.

Finally, Mr. Speaker, I must express my extreme displeasure with the Republican leadership for stripping out the provision that would provide tax relief to every company in business that voluntarily makes up the difference in income to an employee activated in the National Guard or Reserves. This provision would also have provided support to those same companies to train temporary companies to fill the jobs left vacant by active duty employees.

The gentleman from California (Mr. LANTOS) and I attempted to offer this amendment during the debate on this bill when it was considered in June, but the Republican leadership denied us the opportunity to offer that amendment to the bill. However, a similar amendment offered by Senator LANDRIEU was adopted.

During this time of national emergency, when members of the Reserves and Guard are serving extended deployments in Iraq and Afghanistan, it is vital that the Congress provide help to the hundreds of small businesses suffering from long-term vacancies or the families whose loved ones have been activated for service in Iraq and Afghanistan. But instead of showing a little compassion, instead of doing the right thing, instead of standing with the troops, their families, and their hometown communities, the Republican leadership in both Chambers stripped this provision from the final bill.

Mr. Speaker, it is truly a sad day when this body turns its back on those who are fighting for this country.

Mr. Speaker, I urge my colleagues to join me in opposing this conference report. We need to draw a line in the sand when it comes to corporate giveaways and legislative sweeteners like the ones written into this conference report. It is time we say enough is enough.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I was listening to the gentleman from Massachusetts. He said draw a line in the sand. I am willing to bet, by the time we complete our vote on the bill, the underlying legislation, it is going to be quicksand, because I think it will have bipartisan support not only in this body but the other body.

I guess it is okay to come on the floor and see just a half or a quarter of what the legislation does, but you cannot write history over again. The fact

is, earlier the gentleman from Massachusetts and I had the opportunity to bring back to the floor from the Committee on Rules a same-day resolution. It was passed by this honorable body and we are now having the underlying legislation brought down, the conference report, to be considered here.

So the will of the House was done today by a vote which allowed the bringing of this bill to the floor. It seems that this is a similar situation to a discussion we had earlier on the rule on this same-day legislation, and that was in reference to the Crane-Rangel legislation. I just must remind us again for the record in the rules debate we are now having that while my colleagues continue to talk about Crane-Rangel, many of the provisions that were in the legislation offered by the gentleman from Illinois (Mr. CRANE) are incorporated in the parts of this bill in the conference report. I also note that the gentleman from Illinois (Mr. CRANE) has signed this conference report as a conferee.

Mr. Speaker, I also want to remind my colleagues that it has bipartisan support, as the conferees deliberated on only those things that were in the House bill or in the other body's bill as a final product of the conference report. The minority leader of the other body has signed this as a conferee.

And there is good reason why it has bipartisan support. But before we discuss that, we might look back at the reality of what the chairman of the Committee on Ways and Means said earlier today in the previous rule which helped to bring this one to the floor. He said in order to have bipartisanship, it goes two ways. Sometimes we lose track of that, as it was extended by the chairman of the Senate Committee on Finance version, of having amendments offered from the conferees and then considered, as is done in the Senate Committee on Finance.

Before we conclude on what is in the bill through the eyes of my colleague from Massachusetts, let us be reminded that this legislation addresses help for exporters, where the European Union has imposed a penalty tariff of 12 percent on more than 1,600 categories of U.S. exports. And unless the U.S. Congress acts, the European Union will continue to increase that penalty tariff by 1 percent every single month until it reaches 17 percent.

Mr. Speaker, that affects Wisconsin's cheese, Florida's oranges, California's lemons and limes and other farm products which are subject to that penalty tariff; and U.S. manufacturers of jewelry and steel and tools, glass, toys, and clothing, and other products subject to the penalty tariff.

I keep hearing, Mr. Speaker, we have a plan for the middle class. Well, when I look at small business, that is middle class, on Main Street USA. This bill extends and enhances section 179 expensing for 2 additional years, so small businesses can write off the costs of their investments up to $100,000 annually. Partnerships and S corporations receive a deduction for domestic production activities. It offers S corporations ten reforms providing $1.2 billion in tax relief, and it provides for faster depreciation of leasehold and restaurant improvements on those mom-and-pop shops all through USA Main Street.

When we look at our farmers, Mr. Speaker, the impact of what has been done in this bill on the deduction for domestic production activities extended to farmers as well as to agriculture and horticulture cooperatives, it deals with AMT relief for farmers and fisherman who income average. It extends an ethanol subsidy for those under current law through 2010, thus improving farmers' incomes. It ends double and triple taxation of farmer cooperatives. It provides capital gains tax relief when livestock is sold and replaced on account of drought or other weather-related disasters. It extends capital gains treatment on outright sales of timber.

Mr. Speaker, on domestic manufacturers, the bill provides companies, farms, and small business with $76.5 billion, that is with a ''B,'' $76.5 billion in stimulative tax relief through a deduction for income tax attributed to production activities in the United States. More tax relief is provided for businesses with proportionately more U.S. production operations. The deduction is available for domestic production activities only, and the deduction is limited to 50 percent of the wages paid to workers in America. The bill does not move jobs overseas.

And for those who do not have income tax, something that I live with in New York, Mr. Speaker, H.R. 4520 allows taxpayers, especially those in Nevada, Wyoming, the State of Washington, South Dakota, Texas, Alaska and Florida, to deduct their sales taxes because they do not pay income tax.

And ending the tobacco quotas, I have seen tobacco States where it is clear that the message of opportunity of offering tobacco farmers, including those in Florida, Georgia, South Carolina, North Carolina, Tennessee, and Kentucky, a fair buy-out to end the quota system.

□ 1915

Mr. Speaker, this is a tremendous opportunity for middle America to get a tax break and to continue stimulating our economy.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise to support the rule, and I also want to commend the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), for his excellent work, the work of the Committee on Rules and also to commend the conference committee for their good work on this issue.

This is a fair rule. It is a good conference report. And it is time for us to take action on this. The issue that we have before us is about tax fairness, it is about equity, and it is about jobs growth. Mr. Speaker, as I was listening to my colleague from across the aisle talk about tax cuts, you would think that they think that the tax cuts are bad, that reducing the tax burden on the American citizens is a bad thing to do. I am here to tell you from my constituents in Tennessee, reducing that burden is a very good thing to do. It is something that the jobs growth bill does. And so I do rise to enthusiastically support it.

There is a provision in this bill that is of great importance not only to my constituents in Tennessee but to 55 million Americans. As we were hearing from the chairman, he mentioned this was help for farmers, help for Main Street, and help for Main Street is what I want to talk about, because restoring the deductibility of sales tax to the Federal income tax filing for those of us that are in States that do not have a State income tax, that choose to fund our State governments by sales tax, that is an issue of tax fairness.

It is also a way to help out Main Street and provide an economic boost that is truly needed in our communities. This is a provision also that is very important to thousands of female-owned small businesses: increasing expensing, leasehold provisions, deductibility of sales tax that provides more traffic on Main Street for our thousands of female-owned businesses. This is a very positive move.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to comment on some of the words of my colleague from New York (Mr. REYNOLDS) who read very well from the Republican talking points on this bill. I would say that if we followed the rules of this House and he actually had the 3-day layover to actually read what was in this bill or what was not in this bill, he would have noticed that this bill actually undercuts the will of the House and the other body with regard to President Bush's nasty overtime regulations which was removed from this bill.

He would realize that the Republican leadership stripped out a provision that would provide tax relief to every company and business that voluntarily makes up the difference in income to an employee activated in the National Guard or Reserves. I think he would see that of the 276 separate little provisions that benefit special interests, makers of bows and arrows, tackle boxes and sonar finders and even importers of Chinese ceiling fans, let me say to my colleague from New York that I think those who are serving in our National Guard and Reserves and those businesses that are struggling as those brave men and women are fighting overseas in Afghanistan and Iraq, I think they are more important, quite frankly, than Chinese ceiling fans. I think they deserve a bigger break than makers of bows and arrows and tackle boxes and sonar fish finders.

That is the complaint here, that this bill is filled with special goodies for people who do not need it when in fact some of the people who need it most do not get anything. What is even more frustrating is the fact that people are going to vote on this bill today, this conference report, when it was just brought before us today, breaking the rules of this House, waiving the rules of this House where we are supposed to have 3 days to know what is in it.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), the coauthor of the Crane-Rangel bill.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I want to thank my friend and colleague from New York (Mr. REYNOLDS) for sharing with us what is in this bill because the Members probably are still at their Web sites trying to figure it out.

The reason we are here right now is not to go into the substance of the bill but for me and others to try to encourage the leadership to kill this bill and do this the right way. There are 650 pages to this tax bill and 650 pages explaining the tax bill. This adds another 1,200 pages to the 6,000-page IRS Code that we have here.

We know that Members are supposed to have 3 days in order to find out what is in these 1,200 pages. That is difficult enough. The problem is the Members do not have the bill. They have no bills in their offices. But our friend from New York (Mr. REYNOLDS) has said not to worry, the government has bought them Web sites to find out what is in the bill.

I want to say to those that may be interested in what is in the bill, since when you go home people may ask you, tune into wayside and share with Members of this august body what is in this bill we are going to vote on. We would like to have had 3 days to have looked into this. But the Republicans do not have 3 days to give us. We would have liked to have used the rules of the House, but they say we have to have martial law. I guess it has something to do with combat, but they have put martial law to the House of Representatives, denying us the opportunity to do anything but to look at the Web site.

Why are there so few Republicans and Democrats on the floor? Lack of dedication? Not wanting to understand this complex piece of legislation? No. They are at their Web sites. So, Americans, stop what you are doing now, go to waysandmeans.house.com so when we come home and share with you the good things we have brought to you, the fact that you do not have to totally rely on the Internal Revenue Service, we will have the private sector collectors helping us out. It is on the Web site. And, of course, if you are in tobacco, bully, $10 billion you get it, smoking goes up; but if you manufacture you are in a good business.

What about these charities that they ask you to give cause to? No, not in this tax bill. I do not know how to tell you to get that on waysandmeans.house.com, but it is there. But if you are into pro sports teams, if you are into race track cars being depreciated, if you are foreign, of course, and you are into horse racing and dog racing and gambling, then go to waysandmeans.house.com.

If you really want to find out what we are trying to correct, and that is the tariff and sanctions that have been put on us by the World Trade Organization, we are not certain yet whether we covered that, but when Santa Claus sees the sleigh coming, he wants to pile up on it. So the little part that this bill was supposed to take care of, we hope that they did that. But for the rest, the lobbyists that really believe that before this election they have to show their appreciation to those people who put the bill together, well, they do make out from what I understand.

I will not be able to speak too much about this. I was in the conference, and then they put the Senate piece together with the House piece. Therefore, I did not sign it because I did not know how it was all going to come together. But I said, I will wait and see what they have done. But guess what? It was not until 12:15 that they brought the 1,000 pages to my desk. So I immediately went out and I said, but it is not just for conferees, there are other Members here, there are Democrats and Republicans.

And what do they tell me? Tell them to go to waysandmeans.house.com.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Speaker, I rise to enthusiastically encourage my colleagues to vote for the rule this evening for the conference report on H.R. 4520. Once again the U.S. House of Representatives has risen to the occasion and placed job creation and tax fairness over simplistic rhetoric. For far too long the Federal Tax Code has permitted the residents of States with income tax to deduct their State burden while discriminating against Florida and other States who choose to rely upon sales tax. I commend Chairman THOMAS and the House majority leadership for their leadership in crafting compromise legislation that has attracted significant bipartisan support.

H.R. 4520, the American Jobs Creation Act of 2004, creates tax fairness for Floridians by allowing individuals, not just corporations, individuals who pay State and local taxes to have that deductibility. This will create jobs in Florida through its repeal of tax rules that have led to escalating European retaliation against U.S. exports and through its inclusion of offsetting tax relief for domestic manufacturers, producers, farmers, and small corporations. The sales tax deductibility will provide a direct economic boost to our consumers, especially middle-income families.

In closing, it is not only an issue of fundamental tax fairness; it is also an economic stimulus that will create jobs and improve the lives of 55 million Americans living in State income tax-free States.

On a personal note, Florida has been devastated by four hurricanes, three of which have crossed my district. This bill is going to be so important to those Floridians who will have a chance once again not only to rebuild their lives and their homes but a shot at that economic viability and restoration. I urge its passage.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the gentleman from Florida (Mr. HASTINGS) will control the time.

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

The previous speaker, not the gentlewoman from Florida but the distinguished ranking member from New York, when speaking commented as to the site that could be viewed by one who was interested, and he said it was waysandmeans.house.com. I have been instructed that it was waysandmeans.house.gov. It is kind of catching up here, sort of like Vice President CHENEY. You know, we can make those mistakes sometimes.

Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the distinguished gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I would like to thank my friend for yielding me this time.

Mr. Speaker, if you had a leaky faucet and your plumber told you it was going to cost $150 to fix the leak, you would not go out and put a $100,000 second mortgage on your house. That is what this bill does. We had a $4 billion problem, a very real and serious problem with respect to trade with our European allies and trading partners. What we now have to fix that $4 billion problem is a $140 billion raid on the Treasury.

I know we are going to be told that this bill is paid for. That is an incredible fiction, it is a delusion, because most of the way this bill is paid for is to assume that the tax breaks that are enacted in this bill will be repealed in a couple of years when they expire. You could make a fair amount of money if gambling were legal betting that that would not happen and it will not happen.

It is bad enough that we are going to reach into the Social Security trust fund again and we are going to reach out to foreign creditors again to borrow the money for these tax breaks; but when you look at what they are for and what they are not for, the bill becomes even more odious. What they are for in large part, $42 billion worth of tax breaks for American firms to support their overseas operations.

I want to repeat that. At a time when virtually everyone except apparently the Secretary of Labor thinks that the outsourcing of jobs is a major problem in this country, this bill is going to borrow $42 billion to reward American companies for creating jobs outside of the United States of America. That is pretty bad. What makes it even worse is the choice that this bill makes not to do as the gentleman from Massachusetts talked about a few minutes ago. There was an effort in this bill to provide tax relief for employers who voluntarily pay full salaries to members of the National Guard and the Reserve serving in Iraq and Afghanistan. So an employer who voluntarily says that he or she is going to keep paying a Guardsmember or a Reservist while he or she is overseas was going to get some help. That was taken out of the bill. What was left in was the tax breaks for the sonar detection of fish.

I have a suggestion, Mr. Speaker, that the sonar detector would very clearly detect a fish here. It is a rotten fish. It does not smell very good at all. This is a bill that borrows money for the wrong reason. The rule should be amended so we could fix these problems in the bill. I oppose the rule and would urge my colleagues on both sides to do so.

□ 1930

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I listened here, and I have just got to remind people that it is very clear this resolution is revenue-neutral, so it is not going to impact the deficit. Second, I listened to my colleague from New Jersey as he talked about jobs overseas and everybody getting a benefit, and I have just got to remind, again for the record, although we put it on in the previous rule, that nothing in this bill moves jobs overseas. More tax relief is provided for businesses with proportionately more U.S. operations. The deduction is available for domestic production activities only. The deduction is limited to 50 percent of the wages paid to workers in America. Income attributable to outsourcing does not benefit. Overseas operations of multinationals does not benefit. New taxes are imposed on expatriated entities.

The international tax reforms in the bill would not lead to the movement of jobs overseas, as many Democrats claim. In fact, these provisions would reduce double taxation on companies, thus encouraging them to keep their headquarters in the United States.

This conference report has bipartisan support, including the minority leader of the other body.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), who is an expert on the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the rule and the underlying conference report, the American Jobs Creation Act of 2004.

This bill is urgently needed and long overdue. We must send this bill to the President as soon as possible. Each month that goes by means another tax increase on American manufacturers and another job being pushed overseas. Right now the World Trade Organization is slapping 12 percent tariffs on dozens of American products. These tariffs are directly impacting the bottom line of my industries in my home State of Michigan like glass, agriculture, and paper. When a company's bottom line is hit, a family's bottom line is hit.

The conference report underlying this rule will end the WTO sanctions and enact meaningful reform and simplification of a tax structure that has not seen change in decades. Not only will this legislation repeal the 12 percent tariffs, but it will give U.S.-based manufacturers a 3 percent rate cut that will allow them to better compete with their foreign counterparts and give them the flexibility to start hiring again.

I want to remind my colleagues that the United States has the second highest corporate tax rate in the industrialized world. While Ireland is at 12.5 percent, Korea at 29.7, Britain at 30 percent, the United States businesses are saddled with a 35 percent tax rate. We lead the world in terms of productivity and efficiency, but we need to begin to erase the serious disadvantages the tax code places on American companies. Our workers and entrepreneurs can compete with anyone, but it is time we stop asking them to do it with one hand tied behind their backs.

Mr. Speaker, these tariffs are punishing our small businesses and manufacturers. We need to end the sanctions immediately. This bill is about helping American farmers, manufacturers, small business owners, and relieving the United States from its dependence on foreign sources of oil.

I urge support for the rule and support for the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, a new report indicates that 275 giant, multinational corporations have been paying taxes over the last 3 years at an effective rate which is actually less than the marginal rate, for a family making $35,000 a year. Over this same period, eighty-two companies paid zero or they got a refund in federal income taxes in at least 1 of these 3 years. These giant, multinational corporations are paying less than an insurance agency on East 7th in Austin, Texas; they are paying less than a used car dealer on South 23rd Street in McAllen, Texas or a cafe on Cage in Pham, Texas. They are paying less than hardworking families across this country trying to make a go of it, but having to bear much more than their fair share of the Federal tax load.

But as if that were not outrageous enough, tonight, this Congress is about to pour more largess on those same multinationals that are not paying their fair share.

Let me give some specific examples. Exxon Mobil down in Texas: Exxon Mobil received $4.3 billion in corporate tax subsidies over the last 3 years, yet they stand to share in something like ten times that much in this bill. About a third of the cost of this $140 billion corporate tax bonanza will reward companies like Exxon Mobil for moving more jobs overseas.

Of course, they are a key part of the lobbying coalition that produced this bill. And at the top of the list of that lobbying coalition is General Electric. General Electric has done pretty well under the federal tax system. They have had profits of nearly $12 billion over a 3-year period. In 2002, it paid zero federal income taxes. Instead, it got $33 million back in a refund check, a little bigger than that small business or that family with $35,000 a year is likely to get when their refund comes, if it does. But General Electric has added new meaning to their motto ''We bring good things to life.'' In this bill those ''good things'' are billions in tax breaks for GE—the top recipient of tax benefits from this bill.

One after another these multinationals are being rewarded in a bad corporate grab bag bill that is being pushed through here at the last minute. What is happening here gives new meaning to Leona Helmsley's infamous comment that ''only little people pay taxes.'' The ''little people'' of America are the ones being left to pay the taxes when bills like this are passed that allow those at the top to dodge their fair share of taxes.

In addition, these same corporations will use the benefits that they get out of this bill to just export more jobs overseas. There are 24 separate provisions in this bill that deal with offshore operations by multinationals.

We have, therefore, a bill that is tragic in both its gross size and in its encouraging even more jobs to be shipped abroad. It outrageously shifts yet more of the tax burden for our national security and our homeland security to the small businesses across America that are the focus for growth in our economy and to the working families of America that cannot hire a bevy of lobbyists and a fleet of limousines to come to Washington and do the things that are necessary to get the kind of special treatment that is being rewarded here tonight.

And there is another great example. The $10 billion ''buyout'', as they call it, of tobacco farmers. Yes, it is a buyout that does not buy them out of anything, since they can keep producing just as much poison as they were before they were bailed out, which is what this bill really represents. The true effect of the bill is to reward big tobacco with cheaper tobacco with which to entice and addict even more of our children.

With one horrible giveaway provision after another, this bill must be flavored before it can be swallowed. For the folks in Texas and several other States that flavoring is a short 2 years in which they can deduct their sales taxes. I am all for that; I have voted to make such deductibility permanent. But when somebody is putting a dollar in one's hand, you need to consider whether they are swiping the wallet out of your back pocket. And that is exactly what this bill does. It is a very very high price we are asked to pay for too modest of a benefit.

Indeed, this is the very kind of bill that causes Americans to become cynical about the legislative process and to feel their government is failing them because tonight it certainly is.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I do not know about everyone, but I know that a number of my colleagues on both sides of the aisle, the fact that H.R. 4520 allows taxpayers, especially those in Nevada, Wyoming, the State of Washington, South Dakota, Texas, Alaska, and Florida, to deduct their sales taxes is one that just brings about an opportunity for everyone no matter what their tax bracket is at. But let us not forget, while we kind of rant and rave about all the different aspects of domestic companies that will see taxes decrease, this thing is targeted right into middle America, whether it is on Main Street, USA, or in the fields of America or in those manufacturing plants of our communities, because this is about taking care of small business, our farmers, and small manufacturing.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding me this time.

We will hear a lot of demagoguery tonight and some just downright nonsense, but this is a beautiful thing if we look at the bipartisan coalitions that came together to bring this about. And as a representative from the great State of Tennessee, we are very pleased that farmers and growers of tobacco can finally move on after suffering for so long with the inequities that they have and that we are one of those seven States where sales tax is where most of our revenue comes, but there has not been any deductibility for 18 years of sales tax; and yet we do not have an income tax, and our sales tax is almost 10 cents on the dollar.

I thank the distinguished gentleman from California (Mr. THOMAS), chairman of the Committee on Ways and Means, who worked in a very fair manner with Members from both sides of the aisle. There was a lot of involvement here. And to the gentleman from upper east Tennessee (Mr. JENKINS) for really carrying this tobacco settlement through. The Senate spoke. The House spoke. We worked it out, and frankly, the tobacco companies now have to step up and put the money up to do this so that the growers and farmers are not penalized anymore in the tobacco business.

But this sales tax equity is a beautiful thing. Politics is the art of the possible, and I am encouraged tonight that, even though it is near the end, there is almost an election here, people from both sides have worked together.

I commend the gentleman from Washington (Mr. BAIRD) for carrying his sales tax issue and bringing a coalition today. The gentleman from Texas (Mr. BRADY) was the champion. And the gentleman from Texas (Mr. DELAY), our majority leader, really helped us bring this about. And it is right for all of the people of this country because it really affects all 50 States, not just the seven States that have sales tax, because every State has the option of taking the income tax deduction or the sales tax deduction. This is good for America; $635 million of economic impact on the tobacco settlement alone for my State. That is important.

We need to support the rule and pass the bill.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Tennessee (Mr. WAMP) mentioned it is almost an election year. Judging from all the special goodies that are in this bill, it is an election year.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

(Mr. SHERMAN asked and was given permission to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I tell my colleagues, please do not listen to this speech unless they are from California.

As Californians, we, of course, care that this bill will hurt America because it encourages the export of jobs and increases the federal deficit. But we care perhaps even more that it is the most anti-California tax bill in history. If one is from Texas and they pay sales tax, they can deduct that under this bill. But if they are from California, they pay a higher rate of sales tax, and under this bill, they get no deduction.

The bill contains some loophole plugs for corporations doing funny things overseas, but then it provides exemptions for four specific corporations, four Houston-based corporations.

Our kids are dying from tobacco. This bill contains $10 billion for tobacco farmers, and of course, not one penny of that is going to a Californian. But what we were supposed to get out of it is FDA regulation of tobacco to save some of our kids. Well, they stripped that out of the bill so the FDA will have no power to regulate tobacco, just $10 billion goes to the tobacco farmers.

This is an export promotion bill, or so it claims. California is the number one export State. The entertainment industry, based in our State, is the number one export industry. Surely, there must be something in it for California. And indeed, there is: $1 billion and more of tax increases on America's number one export industry, the entertainment industry. Why is that? Are the authors anti-California? Perhaps more, they are anti-Democrat. The Motion Picture Association hired a Democrat, Dan Glickman. In doing so, they failed to abide by the pay-to-play corrupt rules of tax lobbying. So this is a corrupt anti-California tax bill.

I invite my fellow Californians, 20 of them from the Republican side of the aisle, to come on down and vote for this bill and then go to the Republican club and root for the Cardinals against the Dodgers.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

I need to help the gentleman from California understand, particularly for his State, as I understand this legislation, it is designed for States like California and New York that have income tax, that they can deduct either the sales tax or the income tax, depending on how the taxpayer may choose which one they want to make for the deduction.

□ 1945

The States that I previously read that do not have an income tax, it allows them to use a sales tax deduction as an opportunity to participate. So let us not lose sight that the taxpayer has an individual option. So I believe that, helping the gentleman who was the previous speaker from California understand that, it is a more correct provision of what we outlined.

I also want to remind my colleagues that I believe, as he talked about giveaways and some of the other things, the motion picture industry, which hales greatly from his State and much less from our's, to the dissatisfaction of my colleague the gentleman from New York (Mr. RANGEL) and me, is the fact there are three tax provisions inside this bill that assist the motion picture industry. If he considers those assistance, I do not find how he can take some of the other parts for corporations and call them giveaways. Each would look at what those provisions might mean in their respective categories.

Let us not lose sight that this goes right after taking care of middle-class America, with helping our small businesses, helping our farmers, helping our small manufacturers, and making sure it all is accountable to domestic production and opportunity.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in opposition to the conference report for H.R. 4520, the so-called American Jobs Creation Act.

There has been a lot said here tonight, but if I could simply point out three numbers: One, this was intended to fix a $4 billion problem, a real problem of tariffs that were going to be asserted against us by the EU because of violations or noncompliance with international trade agreements. But instead of fixing a $4 billion problem, we now have a bill before this body that costs $140 billion, $42 billion of which go to special interests.

Mr. Speaker, this country really does need a true jobs bill, but this is a snow job bill. This is what we would call in my neighborhood a snow job bill. I cannot believe some of the people getting up on this floor tonight with a straight face and saying that this is good for America. That is truly unbelievable.

Politics is the art of the possible, but tonight it is politics is the art of the unbelievable. It is simply unbelievable, what I am hearing tonight.

Some politicians in Washington claim things are getting better here, but we have got to really ask ourselves, are they really? Just this past August, we had 8 million people unemployed in this country, 40 million people without health insurance, and we have a bunch of companies in this country being convinced to ship their jobs overseas.

While the conference report before us calls itself a ''jobs act,'' in reality it does little to address the unemployment numbers in this country. Instead, we have 276 separate tax breaks for corporations who are being actively encouraged and being encouraged by our Tax Code to ship American jobs overseas. That is the truth. And even worse than that, the conference report strips out language that would have provided incentives to companies for keeping jobs here in the United States. That is the truth. And beyond that, the conference report strips the Harkin amendment, which would have restored overtime pay rights for 6 million Americans. That should have happened in this bill. It has been stripped out.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I read this in the RECORD so many times I can almost do it from memory, but I cannot allow the beating up of this legislation with misnomers or false or inaccurate viewpoints in the debate.

This bill does nothing to move jobs overseas. Nothing in this bill moves jobs overseas. I want to remind my colleagues that more tax relief is provided for businesses with proportionately more U.S. operations. The deduction is available for domestic production activities only. The deduction is limited to 50 percent of the wages paid to workers in America. The income attributable to outsourcing does not benefit. Overseas operations of multinationals does not benefit. New taxes are imposed on expatriated entities.

The international tax reforms in the bill would not lead to movement of jobs overseas, as many Democrats claim. In fact, these provisions would reduce double taxation on companies, thus encouraging them to keep their headquarters in the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank my colleague for yielding me time.

Mr. Speaker, I want to talk about a provision tucked into this bill that has not gotten a lot of attention, but it should grab the attention of anyone who cares about fair treatment of the American taxpayer.

I just take you back to 1998 when, in response to concerns about overly aggressive IRS collection tactics against individual taxpayers, this Congress, the House and the Senate, passed the IRS Restructuring and Reform Act. That act specifically prevented IRS agents and their supervisors from being evaluated or rewarded based on the amount of tax revenues they collect.

The reason for that was pretty simple and straightforward. We wanted to make sure that those agents treat taxpayers fairly and objectively. We wanted to make sure they did not have a personal stake, financial stake, in how much they collected and the outcome of disputes with taxpayers. We did not want to turn them into bounty hunters.

Well, take a look at this bill. This bill has a provision that will authorize private contractors and private debt collectors to go out and collect the tax revenues of taxpayers and get a commission on it. They get to pocket that tax money, and they get a commission based on how much they collect from the taxpayer, and that is money that goes into their pockets, not into the public Treasury to spend on the public good.

I do not think anybody in this body focused on this issue on either side of the aisle. I think it is going to be tough to go back home and explain how you unleashed these private debts collectors on the American taxpayer.

I will say, when the Treasury appropriations bill was on this floor just a few weeks ago, by a voice vote, this body said, we cannot spend money for the purpose of private debt collection. The body was right then, we were right back in 1998 when we passed the IRS Restructuring Act, and it is a mistake to reverse that policy and unleash private debt collectors on taxpayers and let them pocket the money, rather than have those funds go into the public Treasury for the public good.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for the gentleman from Massachusetts (Mr. MCGOVERN) has expired.

The Chair recognizes the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we close, if you vote against H.R. 4520, you are voting against exporters, small businesses, farmers, domestic manufacturers, States without an income tax and for ending tobacco quotas.

Mr. Speaker, we are here today to create jobs. Our domestic companies currently face countless disincentives to job creation, including onerous taxes, over-regulation, high energy costs, frivolous litigation and spiraling health care costs. For manufacturers and small businesses and farmers that are the entrepreneurial backbone of this country, these obstacles diminish their ability to compete in the international arena.

We need to level the playing field. The underlying bill brings us closer than ever before to the equitable and competitive global marketplace that can propel our domestic industries into the 21st century.

Free markets and free enterprise are direct outgrowth of the freedoms that we hold dear. I urge my colleagues to embrace this spirit by supporting the rule and the underlying conference report.

Mr. Speaker, I yield back the balance of my time, I and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 830, I call up the conference report on the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service and high-technology businesses and workers more competitive and productive both at home and abroad, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 830, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of earlier today.)

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

(Mr. THOMAS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the U.S. economy has experienced robust growth in the past 12 months, and it can be largely attributed to the tax relief this Congress provided the American people in 2001, 2020 and 2003.

Today, we are considering H.R. 4520, the American Jobs Creation Act of 2004. We believe it will encourage further economic expansion and job creation by relieving sanctions and providing tax relief to America's job creators.

Mr. Speaker, the U.S. economy has experienced robust growth in the past 12 months—which can be largely attributed to the tax relief this Congress provided to the American people in 2001, 2002 and 2003. Today we are considering H.R. 4520, the American Jobs Creation Act of 2004, that will encourage further economic expansion and job creation by relieving sanctions providing tax relief to America's job creators.

Right now 12 percent sanctions are being levied on thousands of American products—like agriculture, steel and timber—because the World Trade Organization ruled that the FSC/ETI export subsidy is noncompliant. These sanctions are making U.S. products more expensive in overseas markets, which hurts America's competitiveness in the worldwide economy. H.R. 4520 will repeal the offending provision, bringing our tax code into compliance, thereby ending sanctions.

Repealing that provision without providing equivalent relief will amount to a tax increase on American businesses. To encourage further growth in the U.S. economy, the American Jobs Creation Act will provide tax relief to American manufacturers—including corporations, S corporations, partnerships and sole proprietorships. These American businesses will save nearly 10 percent on their income tax bills for manufacturing activities here at home.

Meanwhile, the international portions of our Tax Code are antiquated—they have not been updated in four decades. To help provide U.S.-based businesses with a more level playing field when competiting against their worldwide counterparts, this legislation reduces double taxation and simplifies our complex international tax law.

The WTO ruling forced us to update our tax laws but also provided the opportunity to improve the tax code to encourage business growth; to close abusive loopholes; to update our antiquated international tax law for the first time in 40 years; and to make all of these structural improvements without increasing the deficit.

This conference report rightly enjoyed strong bipartisan support from conferees and I urge Members of the House to vote for H.R. 4520, the American Jobs Creation Act of 2004.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, well, we have been denied the opportunity, at least the Members, to actually see what is in these 600 pages of statute and another 600 pages to explain what they mean. But, once again, I would ask Americans to go to waysandmeans.house.gov, because if the Members do not know everything that is in this bill, then maybe their lawyers would be able to tell them, because if this is what simplification is all about, we are going to have a pretty rough time filling out our taxes

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the outstanding minority whip, to share his views on this complex piece of legislation. I have been advised he has been at this website all evening studying the bill.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time. I am not sure who he is getting advice from, but I rise in opposition to this bill.

Mr. Speaker, like most of my colleagues, I agree that we must address the underlying problems with our international tax rules. We should have done that over a year ago. As a result of not doing so, as a result of simply delaying until we could get enough special interest provisions in this bill to get a majority for it, we have cost American manufacturers and exporters millions and millions of dollars.

But I must voice my opposition to the conference report, a product that has not improved with age. In fact, as it has been drawn out over time, it gets further and further away from the problem it was supposed to address.

There are more narrowly-crafted tax breaks in the conference report than when it left the House in June. There are fewer incentives to keep jobs in this country and just as many incentives that will continue to move jobs overseas, no matter how often they say that is not the case. Read the bill.

On the whole, the balance of this measure has absolutely nothing to do with fixing international tax rules, and were it not for some extraneous provisions that are vital in several States, I doubt that we would be debating this conference report now, because it would have never passed the House in the first place. Period.

So, once again, after a decade of rhetoric on tax reform and increased calls by leaders of the other side of the aisle for action on tax simplification, a product has been brought before this House that only serves to complicate and carve up the Tax Code even more. As a matter of fact, as the gentleman from New York (Mr. RANGEL) knows, in 40 months, we have expanded the Tax Code and regulations by over 30 percent. My, my, my.

That is why, of course, Joe Scarborough said when informed that he campaigned on the basis of tax simplification, he shrugged his shoulders and said, ''We lied.'' That is what Joe Scarborough said.

U.S. Treasury Secretary Snow, U.S. Treasury Secretary Snow agrees, indicating earlier this week that its content ''went far beyond the bill's core objective,'' which was to resolve a $4 billion trade dispute with the European Union.

□ 2000

At a time of record job loss, especially in the manufacturing sector, Republican leaders rejected a bipartisan solution that could have passed well over a year ago, at far less cost to the country and without the delaying tactics that allowed 1 percent tariffs on our exports.

The SPEAKER pro tempore (Mr. LATOURETTE). The time of the gentleman from Maryland (Mr. HOYER) has expired.

Mr. RANGEL. Mr. Speaker, I yield 1 additional minute to the gentleman from Maryland, but I want to advise the gentleman that when he suggests that we read the bill, that the bill has not been distributed to the Members.

Mr. HOYER. Then that advice cannot be followed.

To date, Mr. Speaker, business across this country have been harmed to the tune of nearly $187 million, because the majority did not pass this bill last year, as they should have. After having ignored fiscal discipline for the last 43 months, the majority has miraculously rediscovered the principle of revenue neutrality, but are using gimmicks, phase-outs, and controversial revenue-raisers that punish working families, small business taxpayers, and charitable organizations to do so.

True, hidden among the largesse are a few deserving provisions. I would like to support those. But I cannot support this bill, which continues the path of extraordinary fiscal irresponsibility, which took us from a $5.6 trillion surplus told that we had by George Bush back in March of 2001, to the time now when we have a $3 trillion deficit confronting the children and grandchildren of this country. How sad the performance. How ill-timed and ill-conceived this legislation.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the gentleman from Maryland has, in essence, kicked off the debate, because he indicated that since we did not operate on his timetable, that there is a 12 percent assessment imposed as sanctions, and basically shamed us for not moving sooner. If my colleagues did not pay attention to what he said during the remainder of his speech, what he said was, if it was up to him, the sanctions would stay in place, because he is going to vote no on this conference report, which means the sanctions would go up to 17 percent, which means all of the burdens that he described would be even greater. He wants it both ways. He wants to criticize for not moving, but he does not want to help to solve the problem.

I am pleased that in the conference, there were a lot of people who wanted to help, especially on the Senate side. There were 23 Senators; 17 of them voted to support the conference report. Six of them were Democrats. Three-quarters of the Senate conferees support this measure, a majority of the gentleman's own party in the Senate.

On the House side, of the 17 conferees, two-thirds of them supported the conference report. So an overwhelming majority of the conferees urge a yes. The gentleman from Maryland lambasts Republicans for not getting it done, but will not help solve the problem. That, I think, is a theme we are going to hear repeated over and over again on the other side: you folks did not do it right, but we are certainly not going to help. What a message.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on

Trade, and let me say that without his yeoman work, we would not be here today.

Mr. CRANE. Mr. Speaker, I thank the distinguished chairman for yielding me the time, and I rise in strong support of the American Jobs Creation Act. This important legislation will end EU sanctions against our exporters, which is harming U.S. workers while delivering much-needed tax relief to America's job creators.

In April 2003, with U.S. exporters facing EU sanctions, I introduced bipartisan legislation that repealed WTO illegal provisions in our Tax Code, while simultaneously lowering the corporate tax rate for domestic manufacturing from 35 percent to 32 percent. My goal was simple: to make sure that U.S. manufacturers can compete on a level playing field with our foreign competitors.

H.R. 4520 includes my legislation, which means that every U.S. manufacturer will see their taxes reduced by 3 points. That means more jobs here at home, and at great Illinois companies like Boeing, Caterpillar, Abbott Labs, Motorola, Baxter, and Brunswick.

In addition, this legislation contains a number of provisions I have long worked on passing that are very important to my home State of Illinois. For instance, hundreds of small businesses in my district will be able to take advantage of provisions I have authored to allow them to deduct up to $100 for the cost of new equipment every year. The life insurance industry, including Allstate, which employs some 3,500 of my constituents, will benefit from the repeal of policyholder surplus accounts; and Lake County Partners, which helps businesses transform opportunities into success, will benefit from a provision I have championed allowing States to expand their small issue bond programs.

I would like to thank the gentleman from California (Chairman THOMAS) for working with me to include these very important provisions in the legislation that he has presented before us today.

Mr. Speaker, we certainly have traveled a long road in bringing this legislation to the floor, and I am glad to be here today in support of a great bill. I urge my colleagues to vote for the American Jobs Creation Act.

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Michigan (Mr. LEVIN), an outstanding member, a senior member of the committee.

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, we needed to replace FSC, and the chairman knows that the gentleman from Illinois (Mr. CRANE) and the gentleman from Illinois (Mr. MANZULLO) and the gentleman from New York (Mr. RANGEL) and I introduced a bill over a year ago. It was before it was loaded up by this House with bills that have nothing to do with this issue. And I read from the letter of Secretary Snow of October 4: ''Both the House and Senate-passed bills include a myriad of special interest tax provisions that benefit few taxpayers and increase the complexity of the Tax Code.'' That is his letter: special interest tax provisions.

We have heard laudatory comments about major provisions, the small business expensing, the ethanol excise tax credit, that is agriculture; the State and local sales tax. I want to ask any Republican who signed the conference report, because these three provisions are sunsetted, will you come to the well and tell the people of this country that you will let the sunset occur. You will not do that.

What is really happening here is that these provisions are sunsetted in order to bring down the cost of this bill. In a real sense, it is not revenue-neutral. Do not say it. Those three provisions alone, $35 billion, $5.9 billion, $25 billion, that is $66 billion more are sure to continue. You laud them; you should have included the cost.

Let me say a word about another way that you brought down the cost, and that is you deferred the effectiveness of several of these provisions, including the interest allocation and the basket provisions. The effect of deferring them is that companies will keep their profits overseas longer, not bring them back home in order to gain the benefit of those tax provisions. In that respect as well as others, you are creating incentives for companies to invest overseas instead of the United States of America. This is a form of outsourcing.

The gentleman from New York (Mr. REYNOLDS) said that there are proportionately more monies here for U.S. producers. That is not true. The provision of proportionality was stricken from the Senate bill.

Also, when you put together the benefit under the so-called manufacturing provision, $27 billion versus $42 billion for overseas activities, even if that is what you mean by proportionality, there is an incentive here for operations overseas. In a real sense, not only special interest wins, so does outsourcing of U.S. jobs.

Mr. Speaker, we need to go back and do this right.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes and 15 seconds to a distinguished member of the Committee on Ways and Means, the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I wonder if the gentleman from California (Mr. THOMAS) might respond to a colloquy. I specifically have a question about how to interpret one of the rules contained in section 422 of the conference agreement.

Would the chairman please clarify what the rule that disallows deductions for expenses ''properly allocated and apportioned to the deductible portion'' of the dividend is intended to cover?

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Pennsylvania for his question.

The rule and the Statement of Managers upon closer examination, we believe, contain some ambiguity as to which deductions are disallowed. The intent of the rule is to disallow only deductions for expenses that relate directly to generating the dividend income in question.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, we have before us a conference report today that repeals the FSC/ETI regime and, while doing so, boldly strengthens our manufacturing sector. Passing this conference report will fulfill our duty to end the punitive job-killing tariffs that are being levied against American products.

Manufacturers in my home State of Pennsylvania are being hard-hit by the tariffs, and that is why ending the tariffs has been a top priority for many of us. The repeal of the export regime also provides us with an opportunity to enact pro-growth, pro-manufacturing policies, resulting in new and higher-paying jobs across the United States. This bill acts on that opportunity and significantly reduces the tax burden on manufacturers in the United States and begins to address the uncompetitive tax system U.S. employers are faced with.

Mr. Speaker, I particularly want to draw attention to one particular job-creating provision in this bill, which mirrors legislation I introduced and will lead to in-sourcing. This provision, known as the Homeland Investment Act, is one of the strongest stimulus proposals brought before Congress in recent years, and I think it is going to have a huge impact. It temporarily reduces the tax rate on foreign earnings of U.S. companies, when that money is brought back to the United States for investment here at home.

The billions of dollars that will be brought back will be used by American employers to hire new workers, invest in top-of-the-line equipment, and build new plants right here at home, instead of in the countries where their earnings are currently stranded. This is critical legislation to rebuild our manufacturing base.

Mr. RANGEL. Mr. Speaker, it is my great honor to yield 1 minute to the gentlewoman from California (Ms. PELOSI), our distinguished leader who has been a credit to our country and to this Congress.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his great leadership on issues of importance to middle income Americans. The gentleman tried very hard to correct this problem in a way that would not decrease the deficit and would increase jobs in America but, unfortunately, that approach was rejected. I wish that we had a chance to vote on it today.

Mr. Speaker, in commending the gentleman from New York (Mr. RANGEL) for his excellent work on so many issues emerging from this committee, I deeply regret that we would not have the opportunity to take the approach he took, which the gentleman from New York (Mr. RANGEL) shared with the gentleman from Illinois (Mr. CRANE) for a long time.

The gentleman from California (Mr. THOMAS), the chairman of the committee, gave the gentleman from Illinois (Mr. CRANE) a dubious distinction by saying he did yeoman duties in bringing this bill to the floor, but this is a terrible bill for working families in America.

□ 2015

Please do not paint him with that brush. He really did try; but, unfortunately, he succumbed to the bad bill.

Mr. Speaker, I rise in opposition to this deeply flawed bill, and I thank the ranking member again for his steadfast leadership on behalf of our manufacturing sector.

This conference report is yet another example of the stark differences between Republican and Democratic priorities. We are faced with a simple problem caused by your trade sanctions, but Republicans are using a $4 billion trade issue to pry open the door wide for special interests. This is a blatant example of corporate welfare, full of pork for the special interest. This is not, just as the expression goes, this little piggie goes to market. This is the whole hog lot goes to the public trough. The oinking is so loud the Republicans cannot even think straight.

If you listen closely you can hear those hogs oinking. Can you hear them?

That may be why at every step of this process Republicans have consistently made decisions that are against the interests of middle-income Americans.

The difference between the parties is clear. In our New Partnership for America's Future, Democrats pledge to create new jobs here in America. But Republicans under this bill are exporting jobs overseas. For more on the subject, I will follow the lead of the gentleman from New York (Mr. RANGEL) and say please visit HouseDemocrats.gov for more on the New Partnership for America's Future.

Can you believe this? In the past 3 years nearly half a million jobs have been shipped overseas. But instead of working to stop this hemorrhaging, this Republican bill tonight has in it tax incentives to export American jobs. Think about it. You are a U.S. taxpayer in a job. They are using your tax dollars to export your job overseas. In fact, as businesses around the country are hit with 12 percent tariffs on more than 1,600 products, Republicans have been holding this bill hostage so they could include 24 extraneous provisions that will create jobs overseas rather than here at home.

No, Mr. Speaker, our distinguished whip and I in criticizing this bill are not saying that the problem should not be corrected. We said it should be done right, not at the expense of middle-income Americans, not at the expense of increasing our deficit.

This bill includes a whopping $42 billion in tax cuts for the foreign operations of U.S. multinationals. We all recognize the importance of multinationals to our economy, but we must face the facts. Many of those very same corporations pay no income tax whatsoever. Many of the multinational corporations getting tax breaks in this bill, pay no income tax whatsoever. And from 2001 to 2003, Federal corporate tax collections fell to their lowest sustained level in 6 decades, in 6 decades.

Democrats led by the gentleman from New York (Mr. RANGEL) pursued a bipartisan bill that was tailored to create good-paying jobs in the U.S. without sacrificing our long-term fiscal health.

The difference is clear. In our Partnership for America's Future, Democrats have made a commitment to fiscal responsibility and the gentleman from California's (Mr. GEORGE MILLER) pay-as-you-go. Republicans chose in this bill to spend as they please and then hide the true costs of their bill with expensive gimmicks. A convoluted combination of phase-in, sunset dates, changes in scoring rules mask the true cost of the bill and how it will constrict our choices in the future.

This conference report is being touted as revenue neutral. But, in fact, it will cost nearly $80 billion over the next decade. The difference is clear. In our New Partnership for America's Future, Democrats put forth an agenda to support manufacturers and small businesses. In this bill, Republicans choose to give handouts to special interests. Please again visit us on HouseDemocrats.gov.

Our manufacturing sector is struggling to stay competitive in global markets. The erosion of our manufacturing base is cause for serious concern in our country, but not in the Republican Party. Under the Bush administration, we have lost nearly 2.7 million manufacturing jobs. Despite this depressing fact, this conference report stripped language that would have given bigger tax cuts to companies that manufacture more of their goods in the U.S.

That was one of the gentleman from California's (Mr. RANGEL) provisions. They stripped from the bill a provision that would have given tax incentives to companies that manufacture more of their goods in the United States. The conference report also has broadly expanded the definition of manufacturing to include activities wholly unrelated to the manufacturing of goods and products.

Now, listen to this: the bill is riddled with special interest giveaways including suspension of customs duties on ceiling fans and steam generators, tax deductions on bows and arrows, fishing tackle boxes and sonar devices, as well as tax incentives for other specialized industries. Even the Bush administration's Treasury Secretary has criticized the Republican FSC/ETI bill as including a myriad of special interest tax provisions that benefit few taxpayers and increase the complexity of the Tax Code.

How is that for an indictment? The choices that Republicans are making are clear, and it is clear that they are the wrong choices. The same Republicans who today will find enough money for their special interest giveaways have not found the funding to secure loose nuclear materials to protect the American people. They have shortchanged veterans health care by $1.3 billion. They have underfunded No Child Left Behind by about $9 billion every year, 9.4 billion this year; and they have broken their promises on Pell grants.

They have defeated a $1,500 bonus for our brave men and women in uniform returning from Afghanistan and Iraq, 213 to 213. Every Republican who voted against that bonus is responsible for its defeat because it failed by one vote.

I urge my colleagues to make the right choice and defeat this job-exporting, budget-busting, special interest handout.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman said ''they'' stripped from the bill. Well, who is they? How about six of the 10 Democrat Senators who were on the conference. The Democrats who were on the conference were the minority leader, the ranking member of the Senate Finance Committee, the ranking member of the Committee on the Budget, the Senator from Arkansas.

A majority of those Democrats support, signed a conference, and agreed with what we did. It seems to me that when the minority leader on this side describes ''they,'' the world should know who ''they'' is.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a distinguished member of the Committee on Ways and Means.

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me time.

I too listened with great interest to the remarks of the minority leader who preceded me here in the well. Mr. Speaker, I think she offers ample evidence as to why she will remain the minority leader in this body unless she is involuntarily returned to the private sector where perhaps she can take up a career in writing more fiction. Although I would offer some friendly advice: it is probably not good to try to rewrite the Orwellian tale of ''Animal Farm,'' but the valid theme rings true

here as borne out by my friend, the gentlewoman from California (Ms. PELOSI) the minority leader.

I guess in her mind some animals are more equal than others. Rather than an imaginary sound of a porcine species, perhaps if we listen closely, we hear the braying of the typical tired, shopworn refrain. The notion that somehow the highest and best use of the people's money is to be captured in the coffers of the government to offer this type of job growth. Job growth for bureaucrats, money always in the coffers being overspent. Not really accountable to the people but that for some of our friends is the highest and best use of the money for the American people.

And if there are businesses, be they small businesses, S corporations, partnerships, sole proprietorships, whatever category, why certainly they are part and parcel of some evil cabal of special interests. Certainly they exist only for greed and to rob the noble public treasury.

That is one vision of the future that was endorsed in this well by the minority leader. But a bipartisan coalition and majorities in both Houses rises to say no to that thinking with this, the American Jobs Creation Act of 2004 eponymously named, Mr. Speaker, because by reducing taxes, yes, even on corporations, we create more jobs. That is the key. Support the legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise all Members that, although it is not out of order to recite the content of the signature sheets by which the conference report was approved, parsing the votes of individual Senators, for example, by party affiliation or other characterization, goes beyond the factual descriptions permitted by the rule.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

That was exactly what I was about to say, Mr. Speaker. They are telling us what is going on in this conference with those other people over there. What you should be telling us if this bill is so exciting for working people in America, why did you not give it to the Members to look at?

The distinguished gentleman from Oklahoma, he may not have a bill. No one else got a bill except we conferees, and I am not up to the 1,100th page yet. So all of the exciting things that you are hearing about what they finally put in the bill, I hope people go to waysandmeans.house.gov because none of the Members except the conferees have the bill. I do not know why they do not have the bill. But I suspect there are things in here that we are going to speculate that is in here and they will refer us to the problem page, wherever they are holding that bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. NEAL), a great friend and a great legislator and a senior member of the Committee on Ways and Means.

Mr. NEAL of Massachusetts. Mr. Speaker, let me just, if I can, respond to the remarks that the gentleman from Arizona (Mr. HAYWORTH) offered a moment ago.

You would have thought he was Robin Hood here at the well. He talked about the tax relief that they are giving to the little guy. The tax relief that this Congress has given now in terms of four tax cuts has overwhelmingly gone to the people at the very top of the income scale in America. But we have an obligation to object not only to the actions but to the rhetoric that was offered a few moments ago.

We are now fighting two wars with four tax cuts. The Republican Party says with a straight face that Social Security has got a problem, after they took $2.2 trillion out of the budget during the next 10 years. Have a $4.5 billion problem here with European Union and our other trading partners? Let us have a $140 billion solution.

Do you know what that is the equivalent of? Using a machine gun to clean the wax out of our ears. That is how far-reaching this is.

Now, just here 3 years ago the gentlewoman from Connecticut (Mrs. JOHNSON) and a number of us were involved in what I thought was an entirely legitimate campaign to keep Stanley Works in America instead of reincorporating to Bermuda. Well, Stanley Works decided to stay in America. I was reminded of it the other night as I came through the airport in Windsor Locks, Connecticut. Stanley Works, New Britton, an American address.

What does this legislation do to one of its competitors? You grant them a permanent grandfather clause so that they can stay in a foreign tax haven and not be assessed the same obligation that that company that we fought valiantly to keep in America, to keep an American address, is assessed.

□ 2030

My Dad used to have a great line when I was a child when he saw something that was outrageous. He used to simply say, At least Jesse James had enough honor to wear a mask.

What we are seeing here tonight is another giveaway. They are pushing jobs offshore, and what do they wrap themselves in? Patriotism. This is all we hear from them is the line about patriotism, and then we witness the arguments and its aftermath and we know what it is going to be in terms of this argument some sense of justice?

Well, the news media is going to go through this legislation over the course of the next couple of weeks because we all know tonight we would not have a chance to go through the legislation. Heaven forbid that the minority might have an opportunity to look it over, and then the media is going to pick it apart and they are going to look back and say, who was watching in the House?

This is a bad piece of legislation. I close on the remarks I opened with, we are fighting two wars with four tax cuts.

Mr. THOMAS. Mr. Speaker, might I inquire the time remaining on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. THOMAS) has 21½ minutes remaining, and the gentleman from New York (Mr. RANGEL) has 17 minutes remaining.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Committee on Agriculture, a member of the conference committee, for the purpose of engaging in a colloquy with the ranking member of the House Committee on Agriculture, a member of the conference.

Mr. GOODLATTE. Mr. Speaker, I thank the chairman for the time, and I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank my chairman for yielding.

Mr. Speaker, the bill provides financial assistance for producers in return for the termination of tobacco marketing quotas and related price support. For kinds of tobacco other than flue-cured and burley tobacco, the payments to producers will reflect ''the basic tobacco farm acreage allotment for the 2002 marketing year established by the Secretary for quota tobacco produced on the farm.''

My understanding is that for this calculation, the Secretary will take into account nondisaster transfer of allotments that were made for the 2002 marketing year. Is that correct?

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, yes, that is correct. For producer payments, such transfers for these crops will be taken into account as they are for the other tobaccos. The payments will be based on the actual amount available on the farm after those transfers.

Mr. STENHOLM. I thank the chairman for that clarification.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman, and I also would like to thank the Chair and the members of the Committee on Ways and Means who worked with the Committee on Agriculture so diligently to finally accomplish something that has been badly needed for a long time, and that is, to buy out a bad program that has been working against America's tobacco farmers for a long period of time. I thank the gentleman.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank both of the gentlemen, members of the conference committee, Republican and Democrat. Both of them voted for the conference report, and the Chair appreciates that.

The Chair would like to engage in a colloquy with the gentleman from Florida and will consume as much time as is required.

Mr. MICA. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Florida.

Mr. MICA. Mr. Speaker, I rise to engage in a colloquy with the Chairman of the Committee on Ways and Means about the short line railroad incentives.

The tax credits in H.R. 4520 will apply to expenditures for maintaining railroad tracks. Does this definition of qualified expenditures include signalization and grade crossing devices and protections?

Mr. THOMAS. Mr. Speaker, reclaiming my time, I tell the gentleman it does and he is correct.

Mr. MICA. I thank the gentleman.

Mr. THOMAS. Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), a senior member of the Committee on Ways and Means.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, this is a serious issue, the fact that we have a retaliatory tariff that has been imposed against us because of our sales corporation fix. We need to take care of that.

The Foreign Sales Corporation Act has caused us a retaliatory tariff. The problem is, Mr. Speaker, we have an easy way to do it. There was a bill introduced by the gentleman from New York (Mr. RANGEL) and the gentleman from Illinois (Mr. CRANE), bipartisan, that would have fixed it. It would have done it in a true revenue-neutral way.

Instead, we have a bill that is going to cost tens of billions of dollars in unrelated provisions. Let me just mention one of those provisions.

It would authorize private tax collection on a contingency fee to harass our taxpayers, giving these private collectors government immunity. We tried that before and it did not work. That is wrong. It should not be in this bill, and yet it is.

When we take away the sunsets and all the other provisions, we really have $80 billion that is not funded in this legislation, adding to the deficit of this country.

But, Mr. Speaker, there is another provision that was left out of this bill. There was a tobacco buyout that was put in, even though we had no hearings in our committee on it or any hearings at all, but the other body at least had the good sense to subject the tobacco to the FDA, using taxpayer money. That seems to make sense, and yet the final report leaves that out.

There are more people who die every year from tobacco than from alcohol, AIDS, car crashes, illegal drugs, murders collectively. We had a chance to do something about that in this legislation. Instead, we are spending taxpayer money and not taking care of the problem.

Mr. Speaker, there are numerous provisions unrelated that should be in this bill, and for those reasons I regret that I will not be able to support this legislation.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

This conference report is in front of us tonight due to a number of Members doing yeoman's service. There is a provision in this bill that was alluded to by the chairman of the Committee on Agriculture that is long overdue to be changed.

This gentleman from California started his congressional career on the Committee on Agriculture, and I tried to do something about it at that time. This was an opportunity to do something to correct the record that is long overdue for correcting.

The gentleman I am going to recognize to speak was one of the first to come to me to suggest that this might be an opportunity that we could take advantage of.

I have to tell my colleagues that as far as a State-wide race in North Carolina, I have received only one phone call from those individuals. I have worked beside only one of those individuals for far more than a decade, and the provision of removing the tobacco buyout was placed in the House bill long before it was placed in the Senate bill.

I can assure anyone that had we not been able to put it in the House bill, it would not have been in the Senate bill, and so for all of those people who are now going to receive a payment, the argument about how much they are going to get, whether or not it is greater than someone other's offer, is all moot.

The fact of the matter is, tonight, we are finally going to end a depression-era government created program that is long overdue for repeal, and the primary gentleman that worked with me to make sure that it would be in there is my friend, the gentleman from North Carolina (Mr. BURR), a senior member of the Committee on Energy and Commerce.

Mr. Speaker, I yield 3½ minutes to the gentleman from North Carolina (Mr. BURR).

(Mr. BURR asked and was given permission to revise and extend his remarks.)

Mr. BURR. Mr. Speaker, I thank the distinguished gentleman from California, the Chairman of the Committee on Ways and Means, for the time.

This is indeed a special night for many people across this country, farmers who have struggled over the last 5 years, who have made a livelihood on the farm, because of a commitment to the land, and throughout North Carolina and many other States, we see the benefits of their success in the schools and the churches because it is their generosity that built the communities that, in fact, they live in.

Because of that program that we put them into decades ago, which has now served as a noose around their neck over the past 5 years, the Federal Government has cut their livelihood by 50 percent. I ask anyone in this body who were in business before they came here if they artificially got 50 percent of their revenue eliminated, would they be able to survive? The answer is likely they would not, and the fact is that our farmers are not.

This piece of legislation that this body will pass tonight will probably enable 10,000 individuals in North Carolina alone not to file bankruptcy this year. It is inevitable that communities will exist tomorrow because we are willing to step up and to provide the necessary help that they need.

Mr. Speaker, former Senator Helms once said that getting a tobacco buyout through the United States Congress would be one of the hardest legislative efforts ever undertaken. He was certainly right about that. Mr. Speaker, not only was it a long road, it was an uphill road. The obstacles were many, but they have been overcome tonight, and I believe tomorrow both bodies will have passed this legislation.

I would like to take the time remaining to thank those individuals who helped so much: My colleagues, the gentleman from Tennessee (Mr. JENKINS), the gentleman from North Carolina (Mr. MCINTYRE), the gentleman from Kentucky (Mr. ROGERS), the gentleman from Kentucky (Mr. LEWIS), the gentleman from Virginia (Mr. GOODE), and the gentleman from Georgia (Mr. KINGSTON), individuals that for over 10 months met to try to strategize on how we move a piece of legislation, not that that was the richest, but one that could be signed into law, the single most important objective. We are not the first to stand in this well and promise people back home that we can deliver, but we are the first to be able to deliver.

I would also like to thank the staff members who put their long hours in and probably spent too much time with each other: Brenda Otterson, Jeff Hogg, Michael Higdon, Megan Spindel, Jerr Rosenbaum, Emily Howard and Chris Joyner.

I would also like to thank the gentleman from California (Mr. THOMAS). He was truly a partner in this every step of the way. It is not often that we take an agricultural piece and we ask to put it on a tax bill, but let us face it. We needed a vehicle that could become law. I thank the Chairman for his willingness to work with us. I thank him for the informative response that we always had with the Committee on Ways and Means, and I praise him tonight for a great piece of legislation.

I urge my colleagues to support this bill.

Mr. Speaker, I rise today in strong support of this legislation. This legislation contains a number of critical provisions. It ends sanctions on our exports, and provides tax benefits for our Nation's manufacturing sector. It provides tax incentives for businesses, including much needed S-corp reform. It extends important electricity production and alternative fuel tax credits.

But it also includes a long-overdue and desperately-needed provision that is near and

dear to my heart—and the hearts of countless farmers in my State and across the southeast: A tobacco quota buyout and repeal of the Federal tobacco program.

It is hard to find an agriculture issue in my State that has taken on more passion—more emotion—than the tobacco buyout. My State's tobacco farmers—like their colleagues in other tobacco States—are trapped in the depression-era tobacco program. It is a program that promises little more than bankruptcy and foreclosure. It is a program that promises economic collapse for their communities. Today, at long last, we are taking action to restore some hope to our tobacco farmers and their communities.

With the inclusion of the tobacco buyout and reform package, this Congress is extending a lifeline to rural communities that were built on tobacco, but have faced difficulties as tobacco use has declined. It is offering tobacco farmers a way out, and the assistance they need to transition to new crops. It is providing tobacco families with some certainty, and the promise of a better day ahead. It is restoring hope to those who thought that this city had forgotten them.

The inclusion of the buyout in this legislation is the culmination of years worth of work. It has been a long road since Charlie Rose began his work on the issue in the early 1990s. It is a road that saw few travelers in the early years—but it is a well-traveled road now.

So difficult has it been at times to see the end of the road that most people said it would be impossible to reach it—that we would never get to our destination. It was always just out of reach—just over the next hill. Over the years, the ''buyout'' took on an almost mythical status. It was talked about in feed stores and coffee shops in almost reverential tones, but people began to believe they would never see it in their lifetime.

Former Senator Jesse Helms once said that getting a tobacco buyout through the United States Congress would be one of the hardest legislative efforts ever undertaken. He was certainly right about that, Mr. Speaker. Not only was the road long, it was uphill.

The obstacles were many, but they have been overcome. I would like to take what time I have left to thank some of my fellow travelers on this long journey. We would not be here today if it were not for my colleagues BILL JENKINS, MIKE MCINTYRE, HAL ROGERS, RON LEWIS, VIRGIL GOODE, and JACK KINGSTON. I would also like to thank their staff members, who put in long hours—and probably spent too much time with each other—over the last year: Brenda Otterson, Jeff Hogg, Michael Higdon, Megan Spindel, Jerr Rosenbaum, and Emily Howard.

I would also like to thank Chairman BILL THOMAS and his staff for their hard work—and for recognizing the critical need for this buyout.

Finally, Mr. Speaker, we have reached our destination. I urge my colleagues to support this important legislation.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I want to join in thanking the chairman for expanding the jurisdiction of the Committee on Ways and Means so all of us could have a better understanding of these agricultural problems. Quite frankly, coming from New York, I never did understand the plight of farmers and tobacco farmers, and I do not know how far we are going to go in expanding this, but I am glad that we have a gentleman from outside of the committee to recognize and to praise the chairman, as I do.

Mr. Speaker, I would like to praise and yield 2 minutes to the gentleman from North Carolina (Mr. ETHERIDGE) so we can further edify the Committee on Ways and Means about problems other committees of jurisdiction have.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from New York for being kind enough, our distinguished ranking member, for yielding me the time.

Mr. Speaker, on behalf of North Carolina farm families and really a lot of farm families who grow tobacco across the southeast, I rise this evening to offer my support for this conference report on H.R. 4520.

The $9.6 billion buyout this bill provides to tobacco growers and quota holders will stave off the economic disaster that my tobacco farm families currently face in my district.

Since 1997, North Carolina farm families and really other tobacco families throughout the southeast have seen their income cut roughly in half. This December they faced the prospect of another 30 percent cut in quota, and that will mean a resulting income loss.

But this evening, a new day dawns for the American tobacco farmer. Eliminating the current quota system will make American tobacco leaf, the finest in the world, more competitive on the world market.

In addition, the buyout will give many debt-ridden tobacco growers a chance to either retire with some dignity, invest in production of a different crop or restructure their current tobacco production.

Almost $4 billion will flow into rural North Carolina during the next 10 years. Three-quarters of that billion will flow into my congressional district. This will have a tremendous transformative impact upon my mostly rural people.

While North Carolina's tobacco growers and quota holders are grateful to get this level of assistance, we wish the conference committee would have accepted either of the two amendments offered that would have increased the funding for the buyout.

I want to thank the Ways and Means chairman for honoring his pledge to keep the tobacco buyout in the bill. Four months ago, I told him, ''Come back with your shield, or on it.'' He did bring his shield back. It is pretty beaten and battered, has a few holes, and has lost some of its original shine since it was given to him, but he brought it back, and North Carolina farmers are better off this evening.

I will support the adoption of the conference report.

□ 2045

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BRADY), an important member of the Committee on Ways and Means, who, I daresay, virtually single-handedly made sure that there was an additional item in this particular conference report for those States that do not have income tax.

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, Republicans do not ship jobs overseas and neither do Democrats. Our own Tax Code does, though, and it is the responsibility of both parties. It is time to stop pointing fingers and start working together to save American jobs.

That is what this bill does. It removes the job killers in our Tax Code. It is a common sense principle: Stop punishing those who build in America and lower the tax burden on those who manufacture and produce here, and have a higher rate if you build it overseas.

This bill also restores sales tax fairness to the Tax Code, easing the burden on American families and giving a direct economic boost to Main Street. To States like mine, it means delivering $1 billion of tax relief to Texas families each year. Best of all, every taxpayer in America will have the option of choosing to deduct either their State and local income taxes or their sales taxes, whichever is highest.

Thanks to the leadership of the chairman of our committee, the gentleman from California (Mr. THOMAS), and with the key support of the majority leader, the gentleman from Texas (Mr. DELAY), and the gentleman from Texas (Mr. SAM JOHNSON), we have reopened the door to sales tax fairness that has been locked shut for 18 years. Every legislator from a sales tax State should support this legislation.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to just note that I now get it. If you do not have enough votes to get a tax bill passed, reach out and get some farmers.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE), to further explore the problems that have been resolved for our farmers.

(Mr. MCINTYRE asked and was given permission to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I rise in strong support of the conference report for the American Jobs Creation Act. This carefully crafted and skillfully negotiated piece of legislation would end the unfair tariffs that have been targeted at textile, agriculture, high-tech and manufacturing industries.

For thousands of families not only in my home State of North Carolina, but also from tobacco producing States from across the south, this legislation is monumental because it ends the Federal tobacco price support system and gets our farmers out from under a government mandate. The current Federal

tobacco price support system is the last depression-era farm program in America. Indeed, it is time to get out of the 1930s.

This is not a bailout. It is a buyout. It is a buyout of a Federal property interest that dictates what a farmer can and cannot do with his own land. Indeed, with this, our farmers, everywhere, will be relieved from the possibility of facing yet another 30 percent cut in their income this coming winter for the new growing season next year, farmers who have already suffered a 50 percent cut in income in the last 5 years.

I want to thank Members of both parties who have courageously stepped forward to pass this bill, and especially the gentleman from California (Mr. THOMAS) for his commitment. Let us give our farmers a choice. Get the government off their backs and out of their pockets. Let us do what is right and stop the uncertainty that has existed for everyone: the farmers, our government, and the American taxpayer.

Mr. Speaker, I rise in strong support of the Conference Report for H.R. 4520, the American Jobs Creation Act. This carefully crafted and skillfully negotiated piece of legislation would end the punitive tariffs that have been targeted at our Nation's textile, agriculture, high-tech, and manufacturing industries, and would replace those portions of our tax code found to be non-compliant in international law with provisions that will INSOURCE jobs to our Nation's economy. This must be done, and it must be done now!

For thousands of families—not only in my home state of North Carolina, but also from tobacco-producing states across the South—this legislation is monumental because it ends the federal tobacco price support system, allows our farmers to compete in a free market system, and gets them out from under a government mandate.

By including the Fair and Equitable Tobacco Reform Act with the American Jobs Creation Act, with which I had the privilege to coauthor with my friend from Tennessee, Rep. BILL JENKINS, we create trade opportunities for American farmers and prevent our farm jobs from going overseas.

The current federal tobacco price support system is the last Depression-era farm program in America! It's time to get out of the 1930s! Tobacco production has dramatically changed. Our federal tobacco policy, unfortunately, has remained the same: farmers producing tobacco in an overly-bureaucratic, government-controlled system which is unable to respond to market pressures and opportunities.

This is not a bailout, it's a buyout—a buyout of a federal property interest that dictates what a farmer can and cannot do with his own land.

Without this bill, tobacco farmers everywhere face the real possibility of a quota cut of over 30 percent next year under this antiquated price support system.

When I introduced the first comprehensive tobacco buyout proposal two and one-half years ago, I said then what I say now, "It's time for the uncertainty to end!"

Although this bill before us is not perfect, it puts an end to the uncertainty that has plagued our farm communities for so many years. This bill is the right bill for our families, our farm communities, and our future.

While the underlying Jobs bill will Create, Cultivate, and Conserve American jobs, the long-awaited tobacco reform will Replace lost jobs, Revitalize rural communities, and Restore the American farmer to a competitive role in the world marketplace.

Instead of turning our backs on the families and rural communities across our Nation, we are on the cutting edge of ending discrimination against our farmers, and we are providing them with the tools to compete on the world market.

So many people have worked so hard to get us to this momentous time. I thank the Members of both parties who courageously stepped forward to pass this buyout. I also thank Chairman THOMAS for his commitment to helping our tobacco producing communities by including tobacco reform legislation in the FSC/ETA Conference Report.

Let's give our farmers a choice! Get the government off their backs and out of their pockets. Do what's right, and stop the uncertainty for everyone—the farmer and his children, the government, and the American taxpayer. Support passage of this Conference Report!

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

When there is a problem that is overdue for fixing, and has been for more than half a century, someone who argues process is the reason why we should not fix it, does not get it. Given the kind of problem that we have seen, it needs to be fixed. Tonight we are fixing it.

Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Kentucky (Mr. LEWIS), a member of the Committee on Ways and Means who helped us fix this more than half-a-century-old problem.

(Mr. LEWIS of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, I rise tonight to also applaud the gentleman from California (Mr. THOMAS); and, Chairman THOMAS, I think you not only came back with your shield, but for the Kentucky tobacco farmers and their families, I think you came back as a knight in shining armor.

This is a fair and comprehensive final product that came out of the conference. And as a member of the Committee on Ways and Means, I recognize the importance of stimulating continued economic growth by enabling a fair and free market for U.S. companies with their competitors overseas. H.R. 4520 provides a comprehensive solution to ensure fair play, invigorating our economy by reducing taxes and creating new jobs.

In addition to the important international provisions, the bill also includes a much-needed buyout for our tobacco farmers. Those of us who represent tobacco growing States have been working on a bipartisan basis for many years to end the depression-era price support system.

Since the late 1990s, burley tobacco quotas have been cut in half, causing significant financial loss for family farmers who currently earn less than half the amount they could have earned only 5 years ago. A tobacco buyout is essential to protect their futures and to ensure the prosperity of many States and local economies, and Kentucky thanks you, Mr. Chairman.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume to note that I am not saying this problem should not have been fixed, I just wondered whether it should have been in a tax bill. I am certain that those that want to see other problems that were fixed can go to WaysandMeans.House.gov and they will understand why we had to fix bows and arrows, and fishing tackle boxes, and foreign made seal fans, how we had to help native whaling tribes, how we had to help foreign horse racing and dog racing gambling, how we had to help pro sports team owners, how we had to shorten the depreciation period for car race tracks.

This is really not admonishing, or, in any way, degradating the chairman, it is just we do not have the bill and we do not know what else is in there. So it is good to hear from Members that do know, because they know they promised to vote for the bill in order to get relief.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), whose taxpayers will be hurt seriously.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to H.R. 4520 for the damage that it does to our EDC program and the loss of jobs in my territory.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD), a new but a very hardworking Member who is going to get us away from taxes and the complexity of the legislation and get back to tobacco.

Mr. BUTTERFIELD. Mr. Speaker, I rise in strong support of a much-needed and much-overdue tobacco quota buyout. I want to thank the chairman and ranking member for their tireless work on this important issue. The conference has worked very hard, and now we are coming to the end of a process that will recognize the commitment of tobacco farmers for so long.

Mr. Speaker, there are 1,040 tobacco producers in my congressional district producing a crop of 35,147 acres of land. Every single one of these producers is in dire straits. They are cashing in their retirement to continue farming. They are mortgaging their houses to stay in business. They are going deeper and deeper into debt. A buyout is not a luxury payment, it is a desperately needed infusion into an economy that depends on a depression-era program that no longer works.

Even farmers that would ordinarily be wealthy are instead being told by their bankers that their loan will have to be reevaluated in future years. Mr. Speaker, American farmers need a buyout.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to join with the gentleman in thanking the ranking member for his tireless work on the tobacco buyout as well.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), a senior member of the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the chairman for yielding me this time and for this bill, and I rise in strong support of it.

Let us remember why we are here. We are here because punitive tariffs are making U.S.-made products high priced. We are here because that reduces sales and endangers American jobs.

Some say this bill will result in exporting jobs. Inaction will result in exporting jobs. This bill provides $77 billion in tax relief to every domestic manufacturer for work they do here at home. From the smallest S corporation or partnership to the largest C corporation, companies will be encouraged to produce more goods in the United States of America.

Furthermore, it provides a new source of funding for cleaning up brownfields in our cities and encourages the growth of manufacturing in the small, medium-sized cities of America, so important to their economic revitalization.

My colleagues, this is the best bill that has come on the floor of this House for American manufacturing in the 22 years I have been here, under Republicans or Democrats. Manufacturing is the foundation of our economy, and I consider this landmark legislation in laying the foundation for a competitive 21st century American economy.

Mr. Speaker, I thank the chairman for his remarkable leadership in making passage of this legislation possible here tonight.

Mr. Speaker, I rise in strong support of the American Jobs Act. Critics fail to remember why we are here. We are here because punitive tariffs on U.S. made products are increasing their price, reducing sales, and endangering U.S. jobs.

Every day we fail to comply with the WTO ruling American companies are losing market share in Europe. Tariff rates on some American goods stand at 12 percent and will rise to 17 percent. Our trade relationship with Europe includes $1 trillion worth of goods and services and we cannot compromise that many goods without forcing many Americans into unemployment. We have an obligation to protect the jobs of our constituents and strengthen our economy to meet the challenges of the 21st century global economy.

Our bill creates greater incentives for domestic manufacturing, helps small businesses by increasing the amount of money they can just write off for investing in equipment to improve their productivity or the quality of their product. It strengthens our competitiveness abroad by eliminating complex rules that hamper commerce.

Some critics complain that this bill will result in exporting jobs. They are wrong. The truth is we need to support American multinationals or we will fail to have a U.S. economy that produces good paying jobs here at home.

Literally millions of small firms depend on the successful performance of large companies abroad. The more business they win overseas, the more business they generate in the United States. It is that simple.

Important international reforms are matched by a firm commitment to domestic manufacturers. As we all know, the manufacturing sector has suffered disproportionately since 9/11. Our bill provides nearly $77 billion in tax relief to every domestic manufacturer for work they do here at home. From the smallest S corporation or partnership to the largest C corporation, companies will be encouraged to produce more in the United States.

It should also be noted that we accomplished all of this without adding a single penny to the federal deficit. We were able to craft a revenue neutral package that clamps down on abusive tax shelters and corporate inversions.

The dispute that brought us here has lingered for too long. We owe it to American businesses and consumers to complete our work and rid ourselves of punishing tariffs.

I want to commend the chairman for remaining steadfast in his desire to get a bill passed and to the president's desk before we adjourn. I congratulate the Chairman on a bill that will help American manufacturers more than any bill ever passed by this body under Republicans or Democrats. Since manufacturing is the foundation of our economy, I consider this landmark legislation as laying the foundation for 21st century prosperity.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume. I do not have anyone left who wants to talk about tobacco, but I wish I had known the chairman would be this flexible. I had some draft legislation that I could have possibly gotten into the conference report, but I just did not know.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), who would like to speak on a tax issue.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding me this time. I do rise to support this bill, because I strongly support the sales tax deductibility provision of FSC–ETI that is supported by Texans and in the interest of all Texans.

This Congress must stop the Tax Code from penalizing those who live in States without local or State income tax. The sales tax deductibility provision gives taxpayers in these States an option to deduct either their sales tax or income tax from their Federal income tax returns. This is a fair and straightforward way to restore equity to the Tax Code as it applies to some 55 million taxpayers across this country.

Sales tax deductibility could keep $1 billion in Texans' pockets and save families roughly $300 a year. That is money that Texans need to provide for their seniors, to plan for our retirements, and to prepare for any unexpected emergencies.

This provision has been supported by a bipartisan, bicameral group in Texas, its congressional delegation, and our State legislature, and I urge my colleagues to let this 108th Congress be the session to restore fairness to America's Tax Code by passing this bill and by passing this provision.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), an invaluable member of the Committee on Ways and Means, a gentleman who also happens to be a member of the Texas delegation.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, thanks to the gentleman from California (Mr. THOMAS) we have worked for 3 years on this legislation, and I want to thank and congratulate Chairman THOMAS for making it a reality.

This bill strikes the right tone in repeal and replacement of the FSC–ETI benefit. And while I have disagreed with the premise of changing how we tax Americans just to comply with the whims of some Frenchmen or Europeans, this bill will make American companies more competitive in the global market. Our businesses will be able to export more from the United States and will be more competitive in foreign lands.

I am glad this bill will reinstate the sales tax deduction for Texans that the gentleman from Texas (Mr. BRADY) was ensured to get in here. Residents of other States have been able to deduct their State's income taxes, but now residents of Texas and six other States can deduct sales tax, an important fairness issue for all constituents.

I want to also thank Chairman THOMAS and his staff for working with me on a number of other provisions to get these items perfected. Now that this bill is behind us, I look forward to working on fundamental tax reform next year, and I encourage my colleagues to vote for this bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

We have taken care of sales taxes and tobacco. I do not know whether we are taking care of the Treasury, though, because they had sent a terrible letter to us indicating that they thought that this bill had too much in the way of special interest tax provisions, which benefited few taxpayers and increased the complexity of the Tax Code.

The President indicated he wanted to simplify the Code. We know the only major Republican bill we have in the House is the national retail sales tax. So maybe, once again, I can say that since the Members of the House have not had the opportunity to review this five-pound bill, that people can go to

WaysandMeans.House.gov and find out whatever else Santa Claus has brought in bringing us this gift package on the eve of an election.

Mr. Speaker, I reserve the balance of my time.

□ 2100

Mr. THOMAS. Mr. Speaker, I tell the gentleman that I would be pleased to invite him to the bill signing ceremony so that he can see the President of the United States sign this bill into law.

Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Louisiana (Mr. MCCRERY) who is the chairman of the Subcommittee on Select Revenue Measures and was the foundation for building the overwhelming majority portion of this conference report, the tax provisions.

Mr. MCCRERY. Mr. Speaker, I thank the chairman for recognizing me to speak on this bill and also thank the chairman for his work in putting together this conference report and in putting together the coalition that will pass this bill on the floor of the House tonight and, I believe, in the other body tomorrow.

Mr. Speaker, we have heard a lot of comments on this floor tonight about how this bill encourages companies to ship jobs overseas, to export jobs. First of all, who in his right mind would want to do that? Do you really think that any of us in this body wants to ship jobs overseas? Just think about it. Of course not. If you want to create jobs here in this country, if you want to preserve the jobs that are here in this country, if you want to make American companies more competitive, if you want to give them a better chance to compete in the international marketplace, then you should be voting for this bill tonight. That is what this bill is all about.

That is what we spent so much time investigating, bringing in witnesses, listening to testimony and then crafting provisions that will help our American companies to create jobs here in the United States.

Do some of the provisions help American companies with their overseas operations? Absolutely. That is what we want to do. We want our American companies to beat the French and the Germans and the Japanese in Europe and in Japan and in Asia. We want American investment there. We want American workers there. We want American profits there so they can bring those profits back here and invest them in research and development and invest them in infrastructure here and in retooling, modernizing their plant and equipment. That is what this bill is all about.

Forget all the political rhetoric. Think about the work that has gone into this product. Think about what we are all here to do, Democrats and Republicans, to make this country a better place to live, give people a place to work, a good job. That is what this bill is about. We ought to pass it today, and I believe we will, thanks to the work of a lot of good people in this body on both sides of the aisle.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

You just cannot have it both ways. You cannot say that you want our American firms to be competitive in France and all over Europe and in Central and South America. If you give them incentives to be able to do this to compete, the jobs that they would have here, these firms in order to be successful have to have some workers. And we are not going to say that we are going to give passports to every American to find a job overseas. It is the multinationals that have to be governed by where the profits are, not where the patriotism is.

So if you want to be competitive overseas, if you want them to be able to do the best vaccine in the world for flu, then you encourage them to do it overseas. But one day you will look around and you will see that all of this competition, we have taken our skilled labor jobs, things we used to be proud of, televisions, computers, cars, shoes, things that used to say ''Made in the USA.'' Now, if it is not made in the USA, I hope you are not going to give a passport or citizenship to those foreigners who are making it. I have nothing against the CEOs except I want it to be, not an equal playing field, I want to give every American manufacturer a fair advantage to have jobs here in the good old USA. I am sorry that there are other people that believe that these tax incentives are good for the United States when our jobs go overseas.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it gives me great pleasure to yield 2½ minutes to the gentleman from Ohio (Mr. PORTMAN), a valuable member of the Committee on Ways and Means, to perhaps offer another view on the position that the gentleman from New York just indicated.

Mr. PORTMAN. Mr. Speaker, I thank Chairman THOMAS for yielding me this time, and I thank my colleague on the other side of the aisle, the gentleman from New York (Mr. RANGEL), for engaging in this debate because I think he put his finger on what this is all about tonight.

What we are talking about is basically responding to the European Union's decision that we cannot continue to provide a subsidy to our exporters. That was the lemons. And then making lemonade out of it by saying, how are we going to help U.S. firms become more competitive, but not by using the FSC/ETI benefit that was found illegal.

How are we doing that? In two ways. One the gentleman from New York just talked about: we are helping manufacturers. This is an area of our economy that is under great challenge for two reasons: one, higher productivity. We are using fewer workers to produce just as much and more so we are losing jobs in manufacturing. Second, international competition. In the last 3 years of the Clinton administration, we lost over 300,000 manufacturing jobs. They are starting to come back. This year alone, we have gained over 100,000 manufacturing jobs as the economy is starting to pick up. But that is not good enough. We want to do more. We want to make sure that we have a strong manufacturing base in this country. That is why there is an effective 3 percent reduction in the corporate rate for manufacturers, big, medium, small, all manufacturers, very similar to the gentleman's legislation he introduced about a year ago.

But, second, we do try to help those global companies. Why? Because, as the gentleman from Louisiana said, the global companies are out there competing in a marketplace where 95 percent of the consumers are outside of the United States. Ninety-five percent of them. Yet we have one-third of the world's economy here. If we are not out there competing with those French and German and Japanese and other companies, we are going to lose jobs right here.

A great example is in my own district. Procter & Gamble has about 14,000 jobs in greater Cincinnati. Forty percent of those jobs support international sales. That is where their expansion is right now. Those are the 95 percent of the consumers they have to access to keep jobs in my district. That is what this bill is about. And that is why I think it is so important that we pass it tonight on a bipartisan basis.

I thank the chairman for taking the lemons which were handed to us by the World Trade Organization and by the Europeans who brought that case; and by mixing them together to create lemonade, it will truly help create jobs in this country and help us in terms of our international competitiveness. There is no more important issue, I believe, over the next few decades for us in terms of job creation than being sure we have a strong manufacturing base. That is in the legislation, partly because the gentleman from New York raised that issue over a year ago. And then, secondly, to be sure that our global companies that are out there competing day in and day out to keep U.S. jobs right here in America have the ability to access those consumers overseas. Without it, the standard of living of our kids and our grandkids will not be what we have had. That is why this legislation is good. I congratulate the chairman for his good work in getting it done.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Let me thank the gentleman from Ohio, my friend and someone that has now brought us back to why we are here. From time to time people are talking about tobacco and sales tax and things like that; but as he pointed out, we are here to correct a $4 billion World Trade Organization problem that we had. If we had just taken away the

subsidy, guess what? We would have reduced the deficit by $70 billion. But we took a big different course, and so we are taking care of tobacco, and we are also taking care of a problem that some people have in their States where they do not have income taxes so they want to get equity. I have to learn how to do all of these things in case the original purpose of the bill does not have enough supporters and we want to make it bipartisan. We have to find Democrats who have real problems back home in other areas.

Mr. Speaker, for that reason, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD) who really first brought this problem to my attention, and I wanted to make certain that it got in this bill before the Committee on Agriculture took care of it.

Mr. BAIRD. Mr. Speaker, I thank my good friend from New York for yielding me this time, and I want to express my profound gratitude on behalf of our citizens because it was the gentleman from New York who first put sales tax deductibility in the Democratic package, and for that our citizens will be eternally grateful. I personally am honored and appreciate his support.

I want to acknowledge the gentleman from Texas (Mr. BRADY) for his leadership and the gentleman from Tennessee (Mr. WAMP) and also the gentlewoman from Wyoming (Mrs. CUBIN). This has truly been a bipartisan effort. On our side of the aisle, Bob Clement, a former Member of Congress, also the gentleman from Tennessee (Mr. COOPER), have been leaders on this. And in the other body, Senators PATTY MURRAY and MARIA CANTWELL who coauthored the bill along with KAY BAILEY HUTCHISON.

In essence, the issue here is about tax fairness. If people in States with income taxes can deduct their State taxes from their Federal return, why not allow people in States with sales taxes? I thank the chairman for including this, and I thank the gentleman from Texas (Mr. DELAY). This will save Washington State taxpayers $500 million a year; for an average family that itemizes, $300 to $500 every single year.

It is all about fairness. It will bring valuable dollars to help pay for education, food, health care and other basics. And most importantly of all, I think it will go to the people who most need it. I want to thank again all those who participated in this and look forward to working in the future to make this a permanent extension and permanent restoration of sales tax deductibility.

Mr. THOMAS. Mr. Speaker, I want to compliment the gentleman from New York for maintaining his competitive edge, notwithstanding the fact that by my count now more than a majority of the people who have taken the well on his side of the aisle are supporting the conference report.

Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), the real Member from Washington who actually made sure that the sales tax provision was in the bill.

Ms. DUNN. Mr. Speaker, we are finally bringing to a close a dispute that has lasted not years, but decades. By repealing FSC/ETI, we will bring U.S. law into conformity with the rulings of the WTO and remove sanctions that are now hurting United States workers and companies. We have got to remove these sanctions, and we must do so without delay.

We are doing a lot more in this legislation. The conference report provides a credit for domestic production activities, including software, which is enormously important to the high-tech industry in our State of Washington. It is a critical component that I worked hard on in the Committee on Ways and Means as our committee developed this proposal.

In this bill, we also help millions of our constituents in Washington, Texas, Tennessee, and other States by restoring the deductibility of State sales taxes. But we would not be here without the tireless efforts of the gentleman from Texas (Mr. BRADY) and the gentleman from Washington (Mr. NETHERCUTT). I commend their leadership on this issue.

The legislation also includes relief for reforestation costs to help keep U.S. workers competitive with global and foreign industry. This is a critical reform for the thousands of people that I represent who work in the timber industry.

There is a long list of important reforms in this conference report, Mr. Speaker. It provides transition relief for current users of FSC. It clarifies the safe harbor provision for timber REITs. It will make U.S.-based mutual funds more competitive by suspending the withholding tax for foreign-based investors. And it goes a long way toward updating U.S. tax law and how we treat United States-based companies that operate overseas.

If we hope to continue to attract capital and keep our companies and workers competitive, we must adopt these reforms. The product before us today is the result of years of negotiations between members of the Committee on Ways and Means, among members of both parties, between the House and the Senate, between the White House and the Congress.

Nothing this complex and far-reaching is going to please everybody, but it is far too important a bill with too many critical reforms for this Chamber to reject.

Mr. Speaker, I urge all my colleagues to vote for this excellent bill.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

I would like to say that she is indeed a real Member from Washington. We will miss her. I want to thank her for her support for the real FSC bill that she supported Crane-Rangel. We will miss her. We thank her for the great contribution she made to our committee and to this Congress.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purpose of making a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his leadership. I stand for the citizens of Texas who will get sales tax relief finally with the ability to file sales tax deductions on their Federal income tax. I support this provision.

I rise tonight in support of the Conference Report for this important legislation. While this is a difficult decision I will support the legislation because we must stand with those who own small businesses and working families who must squeeze as much as they can out of their income to have a decent standard of living. Coming from the great state of Texas I know that our American workers are in need of assistance and while flawed I believe this legislation gives that assistance to them.

I am heartened by the small business provisions in this legislation that will help growth in this vital sector of our society. The bill reduces the top corporate tax rate from 35% to 32% for domestic manufacturers and small corporations. These provisions will help small businesses with important reforms and investment incentives that can hopefully kick start a lagging economy.

The extension of section 179 expensing and the simplification of numerous small business rules will provide more growth opportunities for America's small business owners. I am also content that this Conference Report also includes an extension of the research and development credit, which in my mind is vital to stimulating advancements in technology and economic growth.

The provisions of this large legislation that I am most supportive are those that deal with Sales Tax Deductibility. This Conference Report finally restores sales tax deductibility to the federal income tax code that has cost people in the state of Texas billions of lost dollars over the years. I am proud to have been a cosponsor of the Sales Tax Equity Act which would restore sales tax deductibility to the federal income tax code and would ensure greater financial equality for all American taxpayers. Today, that legislation will become a centerpiece of this Conference Report. The language in this bill restores the deductibility of state and local sales tax from federal taxes that were eliminated in 1986. Taxpayers are currently permitted to deduct their state and local personal income taxes, leaving seven states, including Texas, Florida, Tennessee, Wyoming, Washington, South Dakota, Alaska, and Nevada, which rely on sales tax, out in the cold. Preliminary estimates from the Texas State Comptrollers office have indicated that restoring the deductibility of state and local sales tax could keep $1 billion in Texas pockets and create nearly 16,000 jobs annually. Additionally, the Comptroller projects $590 million in new investments and $874 million increase in gross state product. Those kind of growth estimates are too important to Texas workers for me to ignore. Again, while I have many reservations about this Conference Report as a whole, the sales tax deductibility language in this legislation will restore fairness for Texas taxpayers, as well as taxpayers in

several states that have been penalized because of this tax code inequity.

While I will support this legislation I do want to voice my displeasure with many of the provisions in this Conference Report. Specifically, I am disappointed that the Republicans in this body did not accept the Rangel motion to instruct that would have protected many American jobs. The provisions in the Rangel motion to instruct would have helped deal with the issue of businesses that are incorporating overseas and taking American jobs with them. There are provisions in this Conference Report that help reward those companies who keep production and jobs in the United States as opposed to rewarding companies that move overseas despite the fact that they receive all their benefits in the United States. It is truly unfortunate that this necessary motion to instruct was struck down, its defeat can only hurt the American workers that this legislation is meant to protect.

My concern with this legislation also extends to the fact that its implementation will greatly raise our national debt. While the Republican leadership has assured Members of this body that this Conference Report is revenue neutral, I am not likely to buy that claim. The leadership of this Congress has consistently passed fiscally irresponsible legislation that has bloated our ever-growing national debt, for FY 2004 alone we have a record deficit of $422 billion. These crushing debts will only hurt the average American worker and subsequently their families who they work so hard to support. The debts we create today will be a heavy burden for American workers of today and of tomorrow.

While I will vote to support this Conference Report, I am disheartened that important Democratic provisions that could have further helped the American worker were left out. I will support this legislation because I now how hard the residents of Texas work and they need all the support they can get. These Texas workers and the thousands of small businesses who dot my district make up the core of our society and I will not turn a blind eye to their needs. I only wish that this Conference Report were truly bipartisan, clearly too many Conference Reports this session have been one sided and therefore have been missing key provisions that could have strengthened the legislation. Our mission as a body is to come to a consensus on legislation that will benefit the American people; sadly we have fallen short of this noble goal.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EMANUEL), an outstanding Member of our party and of the House.

Mr. EMANUEL. Mr. Speaker, I rise in opposition to this conference report. In the 1986 tax reform, President Reagan with the Congress flattened rates, simplified rules, and cut out loopholes. In the last 4 years, you have had 326 changes and added 10,000 more pages. It is a very funny way to pay tribute to Ronald Reagan.

Two weeks ago, we passed a $13 billion corporate giveaway on the very day that the New York Times and the Wall Street Journal reported that 82 of the most profitable companies paid no Federal income taxes in at least one of the last 3 years. Today we are passing an additional $42 billion in giveaways on the heels of Saturday's New York Times which reported a rise of 45 percent of those who earn more than $200,000 but paid no income taxes.

But I think this is a fitting way to end this Congress, because as I remember when the Speaker's gavel goes down, it is supposed to open the people's House, not close the auction house. That is what has happened on a Congress that has had, in fact, a prescription drug bill that has been a giveaway to the special interests, an energy bill that has been a giveaway to the special interests, and now a tax bill that has been given away to the special interests.

□ 2115

They had a $5 billion problem that they have resolved with $150 billion. No wonder the American people are cynical about what goes on here.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

And I want to thank the chairman for his masterful work in bringing this bill to the floor and getting it done. This bill is designed to make our companies more competitive overseas and keep jobs here at home. There are many examples throughout this where we fix a lot of problems in our international tax laws.

One example that has been unfairly ridiculed here tonight is bows and arrows. Here is what we do here: current law, we tax domestic manufacturers from making arrows and we do not tax foreign manufacturers. So what happens? We lay people off in America. The companies go overseas, and they bring their products in tax-free. Is that good for America? Is that good for jobs?

That is a problem that is being fixed in this bill, as are so many other problems.

The point of this legislation is we are finally getting rid of these tariffs that are hitting a lot of our domestic manufacturers, a lot of our domestic industries, and costing jobs; and we are making American jobs more competitive in the international marketplace. That is a good thing, especially in this tough time of global competition.

I thank the chairman for doing this. And what we are doing is fixing up these ugly laws and making our businesses more competitive in the international marketplace and saving American jobs.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank the chairman of the Ways and Means Committee and chairman of the whole conference for having a major tax bill come to the floor, not in the middle of the night, but at least nine or ten o'clock, which is a courtesy. I only wish that he had given the Members of the House an opportunity to at least see the bill, but that is asking for too much. But, again, I want to thank him that he did get it on the Web site, and it is going to encourage a lot of Members on both sides to get more computer wise. We may not ever know what is in these tax bills; but we are learning, in the few minutes that we do have, what they do have in this tax bill.

So remember, for people who do not know what they are getting and who is getting the benefits or whether it is tax related or not, if someone wants to say ''thank you'' or they are sorry that they missed me, go to waysandmeans.house.gov.

I hope the other committees learn how to do this because I have spent 34 years here, and this seems to be a waste for us to ask what is in bills anymore since we have to go to the Web site. Or maybe we can find out how Members of the House really do not have to come down here. Just go to the Web site, ask what have they done, and if they are not a conferee, they can go to waysandmeans.house.gov.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

I want to thank all of the Members on both sides of the aisle. I want to thank the staffs on both sides of the aisle. This has been a very arduous and long journey. I think it is one of the more remarkable debates when half of the Members on the other side of the aisle taking the well say they are going to support the conference report. Apparently it was not that difficult for them to find out what was in this conference report.

It is kind of interesting that after all of the difficulties we have been through, the last comment was about process. Not about content, not about righting the wrongs that for so long should have been righted. I want to tell my friends on the other side of the aisle, I enjoyed working with them; I look forward to working with them again. Jurisdiction is not as important as righting wrongs, and we will do that.

And I want to tell the gentleman from New York that in the largest State in the Union, it is only 6:15.

I ask Members to support this conference report. Let us get this work behind us.

Mr. BLUMENAUER. Mr. Speaker, H.R. 4520 illustrates what is wrong with how we're operating in the House. In seeking a legislative solution to a relatively minor requirement to correct a problem that made our Tax Code for manufacturers conflict with our international trade obligations, the Republican leadership pushed aside a no-cost, bipartisan solution for a special-interest loaded bill that is much more expensive and complex.

The argument that H.R. 4520 is revenue-neutral is fiction. The actual cost that taxpayers will pay are hidden by delaying the starting date of some provisions and scheduling others to unrealistically end. It is certainly the intention of the sponsors of this bill to fully extend these tax cuts, which will add billions more dollars to years of projected deficits.

To compensate for its deficiencies, this bill was laden with targeted tax provisions that will secure the votes of those who represent various interests ranging from tobacco farmers to race track owners to manufacturers of bows and arrows. This has resulted in a bill with 700 pages of additional Tax-Code complexity, making it more difficult to enforce and creating a compliance nightmare for taxpayers.

This is not the way to craft tax policy. It erodes the confidence of the public, adding to their distrust of the political system and their belief that they are not being fairly treated.

Mr. MICA. Mr. Speaker, I would like to commend Chairman THOMAS and the House Ways and Means Committee for bringing the American Jobs Creation Act to the floor. I thank him for his leadership in the U.S. House of Representatives, and for his service to our Nation.

There are many excellent provisions in the bill that will assist expanding businesses, creating jobs and providing tax relief and incentives. One section of this bill provides tax credits as important incentives for investing in our class 2 and 3 railroad infrastructure. Today, short line and regional railroads—such as the Florida East Coast Railroad and the Florida Central Railroad—move freight loads that otherwise would help to clog our region's highways. More than 10,000 American businesses—employing over 1 million Americans—depend on class 2 and 3 rail services. Across the country our roadbeds, bridges and related track structures must be upgraded to ensure that we can continue to move both people and freight, safely and cost-effectively.

However, it is also important that we increase grade crossing protections and improve signalization as part of this effort to invest in our Nation's railroad infrastructure. The tax credits in H.R. 4520 will provide an important tool for increasing capacity on our railways and will help to increase jobs, lower transportation costs, consume less fuel, produce less pollution, and reduce highway congestion and accidents.

Mr. Speaker, H.R. 4520 defines qualified expenditures for maintaining railroad track to include roadbed, bridges and related track structures. It is my understanding that this definition includes signalization and grade crossing devices and protections. These tax incentives will help short line railroads improve our nation's rail infrastructure not only in my congressional district in Florida, but to all parts of our nation.

I urge my colleagues to vote ''yes'' on the conference report.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to discuss a provision included in the conference report that will clarify an ambiguity in the tax law.

While Congress enacts the tax law, the Internal Revenue Service is called upon to provide technical details, filling in gaps and ambiguities so that taxpayers have clear guidelines for compliance. One such case where taxpayers have had to rely on the Service to ''fill in the gaps,'' involves the depreciation treatment of motorsports facilities. Track owners have relied for years, in good faith, on revenue procedures promulgated by the Service to determine that these facilities have a 7-year depreciable life. The Service did not question the track owners' interpretation for two decades, in countless audits and reviews of tax returns. However, within the last two years, the Service has questioned the 7-year classification.

To address this issue, the conferees have included a provision in H.R. 4520 that clarifies that motorsports facilities should be considered 7-year property for depreciation purposes. While the provision is prospective, it also includes language stating that ''nothing in the amendments to this section shall be construed to affect the treatment of property placed in service on or before the date of enactment of this act.'' In light of this ''no inference'' provision, and the policy direction regarding the 7-year classification going forward, I hope that the Service will take an opportunity to pause to reexamine whether it should penalize years of good faith reliance on its own regulations. Taxpayers deserve clarity and certainty in complying with the tax code and its regulations. Good faith reliance that is implicitly approved by the Service should not be punished.

While the provision provides certainty for new investments, it expires on January 1, 2008. I am familiar with the decisions that went into drafting this provision, and Congress agrees such a change should be permanent, but because of revenue constraints we were unable to make the provision permanent in this bill. I urge Congress to revisit this issue as soon as possible to extend the provision, or, ideally, make it permanent. Doing so would provide additional needed clarity for taxpayers.

Mr. WAXMAN. Mr. Speaker, I urge my colleagues to oppose the conference report. This legislation is stuffed with special interest giveaways. It contains billions in undeserved corporate tax breaks. Even foreign gamblers who make money at dog tracks get a special tax break.

I would like to talk about one of the most egregious provisions in this bill—a $10 billion handout to tobacco growers.

This giveaway enriches hundreds of tobacco quota holders who are already millionaires. Less than 10 percent of those who benefit will take home 67 percent of the money. More than $3 billion will go to people who do not even grow tobacco. Not a dime goes to help rural communities transition away from a tobacco-based economy.

The biggest winner is the tobacco industry itself. When tobacco quotas are eliminated, U.S. production of tobacco leaf will skyrocket, and the prices will plummet. A USDA economist has estimated has estimated that lower leaf prices will generate more than a billion dollars in profits for the tobacco industry each year. This windfall will far outstrip what the companies will pay to quota holders and growers.

What will tobacco companies do with the extra cash? Some will lower prices, attracting more children. Others will expand their advertising and marketing to youth. And without legislation granting authority to the FDA to oversee the tobacco industry, there will be virtually nothing to stop them.

Congress had a historic opportunity to add legislation giving FDA jurisdiction over tobacco to this bill. The FDA provision would have outlawed candy-flavored cigarettes, cigarettes that look like crayons, and other products explicitly designed to appeal to children. It would have provided for strong government oversight of our most deadly consumer product.

But this historic opportunity was squandered. The House leadership chose profits for the tobacco industry over protecting our children from addiction, suffering, and death.

This choice is shameful, and it symbolizes the misplaced priorities of this House.

I urge my colleagues to deny a victory for tobacco companies and stand up for children and families across the country. I urge you to reject this bill and fight for strong government oversight over tobacco products

Mr. HOLT. Mr. Speaker, I rise in opposition to this tax bill, which is full of giveaways and loopholes for the special interest. I wanted to support this bill, I support an across-the-board corporate rate reduction for income from U.S. manufacturing activities so that more manufacturing jobs are created here in the United States.

Unfortunately, this bill is not about job creation or long-term investment in research. This bill is a laundry list of expensive tax breaks.

Many of my constituents enjoy NASCAR but I do not believe that they want a $101 million tax break for NASCAR, when they are trying to figure out ow to pay for college.

While, some of my constituents have some Chinese ceiling fans, I am sure they would not want a $44 Million tax break for importers of Chinese ceiling fans, when they are trying to pay the mortgage on there homes.

Many of my constituents enjoy target shooting with bow and arrows but do the makers of bow and arrows really need the tax break that this bill provides? And even if they do should they get their tax break before we pass a tax credit for families who are trying to pay for health insurance?

This bill is a textbook example of legislative give away. What started as a modest effort in Congress to replace a $5 billion-a-year export subsidy that the WTO ruled was illegal has turned into a $145 billion, 633-page corporate tax giveaway.

As if all this were not bad enough the conference report uses a large number of gimmicks, such as long phase-ins, sunsets, and changes in scoring rules, fudge its true cost.

We know that this bill will drive us even deeper into debt. And a larger deficit is something we cannot afford. Massive deficits create high interest payments that will crowd out spending on public investments for future generations. Moreover, the resulting high interest rates make it harder for Americans to purchase homes, make college tuition payments or start business ventures.

Voting for this bill would not only be a mistake, it would be grossly negligent. Using scare resources to pay for corporate special interests, tax breaks when we have an enormous budget deficit and unmet needs like homeland security is an abdication of a responsibility to our constituents.

Ms. KILPATRICK. Mr. Speaker, I rise in opposition to H.R. 4520, the American Jobs Creation Act of 2004. The title of the conference bill is a misnomer. If enacted it will add to the loss of nearly 2.7 million manufacturing jobs. This conference bill will also increase tax incentives for large corporations to move manufacturing jobs overseas. It will increase the Federal deficit, endanger Social Security and Medicare which are directly impacted by burgeoning deficits, and limit the ability of states to fund public education in a high deficit environment.

This conference report contains enhanced benefits for offshore operations of U.S. multinational corporations that were not in the Senate or House bills. This conference report is significantly flawed because some of the taxes

paid by companies operating in high tax countries will be paid by our government in the form of tax credits. The Republican majority is rigging the tax system to advantage corporate interests overseas and further eroding the federal government's ability to invest in America's families. Corporate farms will directly benefit from the manufacturing provisions in this bill, not the family farmers who desperately need help.

Finally, my opposition to this bill is based on the fact that the conference report offers a complex solution to a simple problem. Instead of pulling the tax code up by its roots, the conference bill adds hundreds of complex rules and loopholes. This conference bill contains $140 billion in gross tax breaks for companies. It is a flawed bill that will cause additional outsourcing of U.S. jobs.

Mr. Speaker, this bill has dropped the provision that was in the Rangel substitute and the Senate-passed bill that rewards companies for keeping jobs in America. This conference report makes a bad situation worse, and I urge my colleagues to join me in voting no on this measure.

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 4520, the Job Creation Act. This bill is guaranteed to do one thing—send American jobs overseas.

It is unconscionable that Congress would give a tax cut to companies that send American jobs overseas.

Corporations have outscourced three million jobs overseas, and have been rewarded with a tax break for doing so.

We should be passing legislation that creates high-quality jobs here in America.

Why continue to expand tax policies that threaten the American worker?

Under President Bush, America has lost 1.7 million private sector jobs. This calculates into a ''jobs deficit'' of nearly 8 million jobs in the last 42 months.

Manufacturing has been especially hard hit, with 2.8 million jobs lost, amounting to one out of six manufacturing jobs.

President Bush says things are getting better, but most of those jobs created in recent months are temporary jobs, seasonal jobs, and even part-time jobs, most of which do not normally have health and retirement benefits.

These statistics are fact, not rhetoric.

The response from the White House to these statistics is equally upsetting. Gregory Mankiw, President Bush' top economic adviser, wants to reclassify fast-food workers as manufacturing employees.

Trade is important, but we need trade and tax policies that promote a balance of both economic development and employment. A quarter of the economy of California is based on trade, but a quarter of Californians are now eligible for food stamps.

It's about balancing economic and human needs in our country.

The GAO, Boston Consulting Group, Economic Policy Institute and many other groups have come to the same conclusion—promoting the outsourcing of jobs is bad for America.

While the White House celebrates recently quarterly GDP growth, the fact is that most of it has been fueled by consumer debt and liquidation of home equity. That is hardly a solid foundation for growth.

The time for sophomoric economic policies has passed. Outsourcing may produce lower consumer costs, but what good is that if Americans don't even have jobs.

I urge my colleagues to oppose this bill simply on the outsourcing component.

Mr. KIND. Mr. Speaker, the retaliatory tariffs that the European Union has issued over our delay in complying with World Trade Organizations are hurting manufacturers all over this country, and it is past time to address this issue. Legislators on both sides of the aisle and in both the House and Senate agree on this basic premise, and it is a shame that a bill to solve this problem has been burdened with unnecessary tax incentives to corporations. I, along with many other members of Congress from both sides of the aisle have been pushing for congressional action to fix the international trade dispute over the extraterritorial income (ETI) and Foreign Sales Corporation (FSC) programs. We have a bipartisan, fully paid-for remedy that would reform these tax provisions, put the United States tax code in compliance with the World Trade Organization (WTO), and reduce the tax burden on American manufacturers and farmers. Unfortunately, the Majority leadership ignored this bipartisan approach in favor of a budget-busting, controversial bill that does little for small manufacturers in Wisconsin and includes multiple provisions completely unrelated to the trade problem we need to fix immediately.

Because of the House majority's previous inaction on reforming the FSC–ETI trade dispute, the European Union (EU) continues to ratchet up tariffs on nearly 100 categories of U.S.-produced exports. This costs American businesses and workers by making our products less competitive in the major European market. Unless we reform the FSC–ETI tax provisions, EU tariffs on American products will continue to climb, potentially costing American exporters over $4 billion.

With over two million American manufacturing jobs lost since 2001, it is critical that we act to reverse this trend by eliminating incentives for American jobs to be sent overseas and working to end trade barriers that hurt American exports. Anticipating the EU tariffs, Congressmen CRANE, RANGEL, MANZULLO and LEVIN introduced bipartisan legislation last year to address the FSC–ETI trade dispute. H.R. 1769, the Jobs Protection Act, would have eliminated the American tax breaks found in violation of WTO rules, and reinvested the savings back into American manufacturers by reducing their tax rates. I, along with 175 other members of Congress, cosponsored this legislation and have pushed for the House to consider this legislation.

Despite this bipartisan compromise, the conference agreement brought to the Floor today a fiscally irresponsible bill that is filled with special interest breaks and will increase already record budget deficits. H.R. 4520 provides over $42 billion in tax incentives for large multinational corporations while providing little to no tax relief to small and medium-sized manufacturers, farmers, and unincorporated businesses. The Republican chairman of the House Small Business Committee has expressed his opposition to this legislation because it fails to include smaller non-Chapter S corporations in its manufacturing benefit.

Furthermore, the House shamefully misses an opportunity to meaningfully reform the regulation of tobacco in this country. While I support the buyout for tobacco farmers, which will help hardworking farmers in Wisconsin, I am disappointed that the bill does not include a Senate provision giving the Food and Drug Administration authority to regulate tobacco. This hard-won provision was supported by major tobacco manufacturers as well as health advocacy groups, and the conference committee, by eliminating it, has allowed an historic opportunity to improve the health of this country pass by.

Mr. Speaker, with 2.7 million American manufacturing jobs lost over the past years, including over 80,000 in my home state of Wisconsin, we should not be playing partisan games on the House floor. We should be considering legislation that will end European tariffs on American exports, helps domestic farmers and manufacturers be more competitive, closes abused corporate tax loopholes, and does not burden our children with huge amounts of debt that they will have to pay off in the future. I urge my colleagues to oppose H.R. 4520 in its current form so that Congress can move forward on responsible ETI–FSC legislation.

Mr. UDALL of Colorado. Mr. Speaker, there is much to dislike about the process that has brought this conference report before the House, and there certainly are things to dislike in the conference report itself.

This is not the best way to do business, and this conference report certainly is not an ideal legislative produce. On the contrary, it is filled with flaws and with provisions that are unnecessary at best.

However, with all its flaws, I will vote for the conference report.

I will vote for it because we need to make the changes in tax laws needed to end the escalating retaliatory tariffs that are being imposed because our current laws are not in compliance with our international agreements. This is a matter of great urgency and this conference report responds to it.

I will vote for it because it includes provisions to encourage American corporations doing business abroad to repatriate their overseas earnings for investment here at home. This has great potential to stimulate investment in new plant and equipment as well as in the research and development that support innovation, job creation, and prosperity.

I will vote for it because I think the provisions related to foreign tax credits will increase the competitiveness of America's information-technology companies in global markets.

I will vote for it because it includes provisions to ensure that employee stock-purchase plans and incentive stock options are not subject to payroll taxes—provisions that are very important to thousands of Coloradans and the companies that employ them.

And I will vote for it because it includes provisions that will help us lessen our dependence on fossil fuels—something that is very important because clean power production provides greater reliability for our electricity system, promotes cleaner air and water, and benefits our economy and our national security.

The conference report will extend and expand the renewable energy production tax credit (PTC) to apply to other renewable energy technologies, including solar energy, geothermal energy, open-loop biomass, and small irrigation power. An extended PTC will provide more market certainty, and expanding the

PTC to include solar, open-loop biomass, geothermal, and small irrigation power will ensure that all renewable energy sources can benefit.

Solar, wind, hydropower, biomass and geothermal energy are each potentially enormous energy resources. Every state has renewable energy potential. However, renewable resources are not spread uniformly across the country. Current tax law creates regional and technological inequities by failing to provide uniform benefits for all renewable energy resources. For example, the production tax credit enacted in 1992 has spurred significant new investment, but it only applies to power plants using wind power and closed-loop biomass. Allowing equal access to all the renewable energy sources will not only spur renewable energy investment, but it will also ensure that all renewable energy sources are allowed to compete fairly.

Also, importantly, I will vote for this conference report because as it stands it will not increase the deficit—meaning that as it stands it will not increase the national debt that will have to be repaid, with interest, in the future.

In making that statement, I refer to the conference report "as it stands" because I fully recognize that the present budgetary effect of the conference report reflects the fact that some of its provisions will come into effect in stages, or are temporary, or both.

I recognize—as we all recognize, Mr. Speaker—that in the future there will be proposals to extend some or all of the temporary provisions or to speed up the implementation of those that are scheduled to take effect in stages. And I recognize—as we all must—that adoption of those proposals will have budgetary consequences that should not be ignored.

So, Mr. Speaker, I want to give notice here and now that while I am voting for this conference report as it stands, I am making no commitment to supporting any of those proposals. If I still have the honor of serving in this House when any such proposal is considered, I will consider it carefully but I will not support it unless I am convinced that it merits approval.

And, further, I want to give notice here and now that my vote for this conference report should not be read as meaning that I fully support each and every one of its provisions. That is certainly not the case, and in fact I hope that I will have the opportunity to support efforts to remove or repair many of those provisions in the future.

I could cite many examples, but let me mention just one—the fact that the conference report does not included all the provisions of the Senate bill related to tobacco and tobacco products. Omission of key parts of those provisions means we are missing an opportunity to take an important step toward better health for many Americans, especially children. This is a very bitter disappointment.

Mr. Speaker, I am sure that in the days ahead there will be a great deal of public discussion of this conference report in Colorado and across the country. There will be many who will hail it as marking the dawning of a great new day. Many others will bewail parts that they think are examples of bad legislation.

I think the second group will have much ammunition. But I also am sure that the rhetoric on both sides will be excessive. My evaluation is that the bill is too flawed to be a model, but that its merits do outweigh its flaws, although not by very much.

Mr. MORAN of Kansas. Mr. Speaker, I am pleased that my colleagues on the conference committee for H.R. 4520, the American Jobs Creation Act, have, by passing this legislation, taken an important step to preserve jobs in rural Kansas and across the country. In specific, I applaud Chairman THOMAS for his inclusion of the Railroad Track Maintenance Credit.

This provision will help to preserve freight railroad infrastructure operated by short line and regional railroads. Over 12,000 manufacturing, mining, chemical and agricultural employers, who employ over one million workers in 49 states depend on short line railroads for their success. In many rural areas, such as the First District of Kansas, short lines are crucial in transporting agriculture goods and products to market. Across our country, there are over 500 short line railroads, operating nearly 50,000 miles of track, or nearly one third of the national freight rail network in the U.S.

The repercussions of certain federal regulations combined with the increasing gross weight of railroad cars have created a serious threat to the continued viability of this rail infrastructure. The Railroad Track Maintenance Credit will encourage investment to protect this important transportation link for American businesses and agriculture.

This provision originated with the introduction of H.R. 876. My colleagues also recognized the importance of short lines to their local economies, and as a result, 267 Members of the House co-sponsored this legislation.

I appreciate the conferees including a version of H.R. 876 with the railroad infrastructure provisions in H.R. 4520. These provisions will go a long way in preserving short line railroad track and keeping our local communities attached to the national rail network.

As drafted in H.R. 4520, the 50 percent tax credit available to each short line is subject to a maximum limitation. This limit is the product of $3,500 and the number of miles operated by the railroad. Credits up to this limit may be earned regardless of the length of track that is improved by the expenditures. For example, if a 100-mile railroad invests $800,000 in improving a 1,000 foot bridge span, the amount of qualified expenditures would be $800,000. The credit earned on such investment would be $400,000, or fifty percent of $800,000. The last $50,000 would be excluded as exceeding the limitation of $350,000, determined by multiplying 100 miles by $3,500. Therefore, the railroad would earn a credit of $350,000.

I believe that such a limitation will allow short line railroads to upgrade segments of track, roadbed and bridges that are in the most dire need of upgrades. At the same time, this credit will cap the potential exposure of tax revenues at a known amount: the length of a short line in miles times $3,500.

The conference committee version also includes an important provision that is a variation on the original subsection (g) proposed in H.R. 876. This provision will encourage those who depend most on short line railroads to invest directly in maintaining this critical infrastructure. Railroad customers or suppliers of railroad-related property or services may earn credits under this provision for railroad track maintenance expenditures they make in short line railroads.

I believe this provision is also critical for those two-dozen municipal or state owned railroads that are tax exempt. While those railroads cannot benefit directly from the tax credit because they are tax exempt, their customers and suppliers can still help preserve this infrastructure by investing directly.

In conclusion I want to again thank all of my colleagues who have supported our short line railroads over the past two years. I also want to thank Chairman THOMAS and the conferees for including this provision to help rural America stay connected to the national transportation network.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 141, not voting 12, as follows:

[Roll No. 509]

YEAS—280

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Dicks
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoekstra
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Lampson
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon

Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wu
Wynn
Young (AK)

NAYS—141

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bass
Becerra
Berman
Bishop (NY)
Blumenauer
Bradley (NH)
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Case
Castle
Clay
Conyers
Costello
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Frank (MA)
Grijalva
Gutierrez
Harman
Hinchey
Hoeffel
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kirk
Kleczka
Kucinich
LaHood
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Michaud
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Rahall
Rangel
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Sherman
Solis
Stark
Strickland
Stupak
Tauscher
Tierney
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Waxman
Weiner
Wexler
Wilson (NM)
Wolf
Woolsey
Young (FL)

NOT VOTING—12

Boehlert
Filner
Gephardt
Lipinski
Majette
Millender-McDonald
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 2145

Ms. LORETTA SANCHEZ of California, Ms. CARSON of Indiana, Ms. McCARTHY of Missouri and Mr. ROHRABACHER changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 509, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the conference report accompanying H.R. 4520.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

9/11 RECOMMENDATIONS IMPLEMENTATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 827 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 10.

□ 2145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, with Mr. NETHERCUTT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, all time for general debate had expired.

In lieu of the amendments printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee print dated October 4, 2004. That amendment shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''9/11 Recommendations Implementation Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

Sec. 1001. Short title.

Subtitle A—Establishment of National Intelligence Director

Sec. 1011. Reorganization and improvement of management of intelligence community.
Sec. 1012. Revised definition of national intelligence.
Sec. 1013. Joint procedures for operational coordination between Department of Defense and Central Intelligence Agency.
Sec. 1014. Role of National Intelligence Director in appointment of certain officials responsible for intelligence-related activities.
Sec. 1015. Initial appointment of the National Intelligence Director.
Sec. 1016. Executive schedule matters.
Sec. 1017. Information sharing.

Subtitle B—National Counterterrorism Center and Civil Liberties Protections

Sec. 1021. National Counterterrorism Center.
Sec. 1022. Civil Liberties Protection Officer.

Subtitle C—Joint Intelligence Community Council

Sec. 1031. Joint Intelligence Community Council.

Subtitle D—Improvement of Human Intelligence (HUMINT)

Sec. 1041. Human intelligence as an increasingly critical component of the intelligence community.
Sec. 1042. Improvement of human intelligence capacity.

Subtitle E—Improvement of Education for the Intelligence Community

Sec. 1051. Modification of obligated service requirements under National Security Education Program.
Sec. 1052. Improvements to the National Flagship Language Initiative.
Sec. 1053. Establishment of scholarship program for English language studies for heritage community citizens of the United States within the National Security Education Program.
Sec. 1054. Sense of Congress with respect to language and education for the intelligence community; reports.
Sec. 1055. Advancement of foreign languages critical to the intelligence community.
Sec. 1056. Pilot project for Civilian Linguist Reserve Corps.
Sec. 1057. Codification of establishment of the National Virtual Translation Center.
Sec. 1058. Report on recruitment and retention of qualified instructors of the Defense Language Institute.

Subtitle F—Additional Improvements of Intelligence Activities

Sec. 1061. Permanent extension of Central Intelligence Agency Voluntary Separation Incentive Program.
Sec. 1062. National Security Agency Emerging Technologies Panel.
Sec. 1063. Service and National Laboratories and the intelligence community.
Sec. 1064. Improvement in translation and delivery of suspected terrorist communications.

Subtitle G—Conforming and Other Amendments

Sec. 1071. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.

Sec. 1072. Other conforming amendments
Sec. 1073. Elements of intelligence community under National Security Act of 1947.
Sec. 1074. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 1075. Repeal of superseded authorities.
Sec. 1076. Clerical amendments to National Security Act of 1947.
Sec. 1077. Conforming amendments relating to prohibiting dual service of the Director of the Central Intelligence Agency.
Sec. 1078. Access to Inspector General protections.
Sec. 1079. General references.
Sec. 1080. Application of other laws.

Subtitle H—Transfer, Termination, Transition and Other Provisions

Sec. 1091. Transfer of community management staff.
Sec. 1092. Transfer of terrorist threat integration center.
Sec. 1093. Termination of positions of Assistant Directors of Central Intelligence.
Sec. 1094. Implementation plan.
Sec. 1095. Transitional authorities.
Sec. 1096. Effective dates.

Subtitle I—Other Matters

Sec. 1101. Study of promotion and professional military education school selection rates for military intelligence officers.

TITLE II—TERRORISM PREVENTION AND PROSECUTION

Subtitle A—Individual Terrorists as Agents of Foreign Powers

Sec. 2001. Individual terrorists as agents of foreign powers.

Subtitle B—Stop Terrorist and Military Hoaxes Act of 2004

Sec. 2021. Short title.
Sec. 2022. Hoaxes and recovery costs.
Sec. 2023. Obstruction of justice and false statements in terrorism cases.
Sec. 2024. Clarification of definition.

Subtitle C—Material Support to Terrorism Prohibition Enhancement Act of 2004

Sec. 2041. Short title.
Sec. 2042. Receiving military-type training from a foreign terrorist organization.
Sec. 2043. Providing material support to terrorism.
Sec. 2044. Financing of terrorism.

Subtitle D—Weapons of Mass Destruction Prohibition Improvement Act of 2004

Sec. 2051. Short title.
Sec. 2052. Weapons of mass destruction.
Sec. 2053. Participation in nuclear and weapons of mass destruction threats to the United States.

Subtitle E—Money Laundering and Terrorist Financing

CHAPTER 1—FUNDING TO COMBAT FINANCIAL CRIMES INCLUDING TERRORIST FINANCING

Sec. 2101. Additional authorization for FinCEN.
Sec. 2102. Money laundering and financial crimes strategy reauthorization.

CHAPTER 2—ENFORCEMENT TOOLS TO COMBAT FINANCIAL CRIMES INCLUDING TERRORIST FINANCING

SUBCHAPTER A—MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM TECHNICAL CORRECTIONS

Sec. 2111. Short title.
Sec. 2112. Technical corrections to Public Law 107–56.
Sec. 2113. Technical corrections to other provisions of law.
Sec. 2114. Repeal of review.
Sec. 2115. Effective date.

SUBCHAPTER B—ADDITIONAL ENFORCEMENT TOOLS

Sec. 2121. Bureau of Engraving and Printing security printing.
Sec. 2122. Conduct in aid of counterfeiting.
Sec. 2123. Reporting of cross-border transmittal of funds.
Sec. 2124. Enhanced effectiveness of examinations, including anti-money laundering programs.

Subtitle F—Criminal History Background Checks

Sec. 2141. Short title.
Sec. 2142. Criminal history background checks.
Sec. 2143. Protect Act.
Sec. 2144. Reviews of criminal records of applicants for private security officer employment.
Sec. 2145. Task force on clearinghouse for IAFIS criminal history records.
Sec. 2146. Clarification of purpose.

Subtitle G—Protection of United States Aviation System From Terrorist Attacks

Sec. 2171. Provision for the use of biometric or other technology.
Sec. 2172. Transportation security strategic planning.
Sec. 2173. Next generation airline passenger prescreening.
Sec. 2174. Deployment and use of explosive detection equipment at airport screening checkpoints.
Sec. 2175. Pilot program to evaluate use of blast-resistant cargo and baggage containers.
Sec. 2176. Air cargo screening technology.
Sec. 2177. Airport checkpoint screening explosive detection.
Sec. 2178. Next generation security checkpoint.
Sec. 2179. Penalty for failure to secure cockpit door.
Sec. 2180. Federal air marshal anonymity.
Sec. 2181. Federal law enforcement counterterrorism training.
Sec. 2182. Federal flight deck officer weapon carriage pilot program.
Sec. 2183. Registered traveler program.
Sec. 2184. Wireless communication.
Sec. 2185. Secondary flight deck barriers.
Sec. 2186. Extension.
Sec. 2187. Perimeter Security.
Sec. 2188. Definitions.

Subtitle H—Other Matters

Sec. 2191. Grand jury information sharing.
Sec. 2192. Interoperable law enforcement and intelligence data system.
Sec. 2193. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
Sec. 2194. Authorization and change of COPS program to single grant program.

Subtitle I—Police Badges

Sec. 2201. Short title.
Sec. 2202. Police badges.

TITLE III—BORDER SECURITY AND TERRORIST TRAVEL

Subtitle A—Immigration Reform in the National Interest

CHAPTER 1—GENERAL PROVISIONS

Sec. 3001. Eliminating the ''Western Hemisphere'' exception for citizens.
Sec. 3002. Modification of waiver authority with respect to documentation requirements for nationals of foreign contiguous territories and adjacent islands.
Sec. 3003. Increase in full-time border patrol agents.
Sec. 3004. Increase in full-time immigration and customs enforcement investigators.
Sec. 3005. Alien identification standards.
Sec. 3006. Expedited removal.
Sec. 3007. Preventing terrorists from obtaining asylum.
Sec. 3008. Revocation of visas and other travel documentation.
Sec. 3009. Judicial review of orders of removal.

CHAPTER 2—DEPORTATION OF TERRORISTS AND SUPPORTERS OF TERRORISM

Sec. 3031. Expanded inapplicability of restriction on removal.
Sec. 3032. Exception to restriction on removal for terrorists and criminals.
Sec. 3033. Additional removal authorities.

CHAPTER 3—PREVENTING COMMERCIAL ALIEN SMUGGLING

Sec. 3041. Bringing in and harboring certain aliens.

Subtitle B—Identity Management Security

CHAPTER 1—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

Sec. 3051. Definitions.
Sec. 3052. Minimum document requirements and issuance standards for federal recognition.
Sec. 3053. Linking of databases.
Sec. 3054. Trafficking in authentication features for use in false identification documents.
Sec. 3055. Grants to States.
Sec. 3056. Authority.

CHAPTER 2—IMPROVED SECURITY FOR BIRTH CERTIFICATES

Sec. 3061. Definitions.
Sec. 3062. Applicability of minimum standards to local governments.
Sec. 3063. Minimum standards for Federal recognition.
Sec. 3064. Establishment of electronic birth and death registration systems.
Sec. 3065. Electronic verification of vital events.
Sec. 3066. Grants to States.
Sec. 3067. Authority.

CHAPTER 3—MEASURES TO ENHANCE PRIVACY AND INTEGRITY OF SOCIAL SECURITY ACCOUNT NUMBERS

Sec. 3071. Prohibition of the display of social security account numbers on driver's licenses or motor vehicle registrations.
Sec. 3072. Independent verification of birth records provided in support of applications for social security account numbers.
Sec. 3073. Enumeration at birth.
Sec. 3074. Study relating to use of photographic identification in connection with applications for benefits, social security account numbers, and social security cards.
Sec. 3075. Restrictions on issuance of multiple replacement social security cards.
Sec. 3076. Study relating to modification of the social security account numbering system to show work authorization status.

Subtitle C—Targeting Terrorist Travel

Sec. 3081. Studies on machine-readable passports and travel history database.
Sec. 3082. Expanded preinspection at foreign airports.
Sec. 3083. Immigration security initiative.
Sec. 3084. Responsibilities and functions of consular officers.
Sec. 3085. Increase in penalties for fraud and related activity.
Sec. 3086. Criminal penalty for false claim to citizenship.

Sec. 3087. Antiterrorism assistance training of the Department of State.
Sec. 3088. International agreements to track and curtail terrorist travel through the use of fraudulently obtained documents.
Sec. 3089. International standards for translation of names into the Roman alphabet for international travel documents and name-based watchlist systems.
Sec. 3090. Biometric entry and exit data system.
Sec. 3091. Enhanced responsibilities of the coordinator for counterterrorism.
Sec. 3092. Establishment of Office of Visa and Passport Security in the Department of State.

Subtitle D—Terrorist Travel

Sec. 3101. Information sharing and coordination.
Sec. 3102. Terrorist travel program.
Sec. 3103. Training program.
Sec. 3104. Technology acquisition and dissemination plan.

Subtitle E—Maritime Security Requirements

Sec. 3111. Deadlines for implementation of maritime security requirements.

TITLE IV—INTERNATIONAL COOPERATION AND COORDINATION

Subtitle A—Attack Terrorists and Their Organizations

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Sec. 4002. Reports on terrorist sanctuaries.
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CHAPTER 2—OTHER PROVISIONS

Sec. 4011. Appointments to fill vacancies in Arms Control and Nonproliferation Advisory Board.
Sec. 4012. Review of United States policy on proliferation of weapons of mass destruction and control of strategic weapons.
Sec. 4013. International agreements to interdict acts of international terrorism.
Sec. 4014. Effective Coalition approach toward detention and humane treatment of captured terrorists.

Subtitle B—Prevent the Continued Growth of Terrorism

CHAPTER 1—UNITED STATES PUBLIC DIPLOMACY

Sec. 4021. Annual review and assessment of public diplomacy strategy.
Sec. 4022. Public diplomacy training.
Sec. 4023. Promoting direct exchanges with Muslim countries.
Sec. 4024. Public diplomacy required for promotion in Foreign Service.

CHAPTER 2—UNITED STATES MULTILATERAL DIPLOMACY

Sec. 4031. Purpose.
Sec. 4032. Support and expansion of Democracy Caucus.
Sec. 4033. Leadership and membership of international organizations.
Sec. 4034. Increased training in multilateral diplomacy.
Sec. 4035. Implementation and establishment of Office on Multilateral Negotiations.

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Sec. 4041. Pilot program to provide grants to American-sponsored schools in predominantly Muslim countries to provide scholarships.
Sec. 4042. Enhancing free and independent media.
Sec. 4043. Combating biased or false foreign media coverage of the United States.
Sec. 4044. Report on broadcast outreach strategy.
Sec. 4045. Office relocation.
Sec. 4046. Strengthening the Community of Democracies for Muslim countries.

Subtitle C—Reform of Designation of Foreign Terrorist Organizations

Sec. 4051. Designation of foreign terrorist organizations.
Sec. 4052. Inclusion in annual Department of State country reports on terrorism of information on terrorist groups that seek weapons of mass destruction and groups that have been designated as foreign terrorist organizations.

Subtitle D—Afghanistan Freedom Support Act Amendments of 2004

Sec. 4061. Short title.
Sec. 4062. Coordination of assistance for Afghanistan.
Sec. 4063. General provisions relating to the Afghanistan Freedom Support Act of 2002.
Sec. 4064. Rule of law and related issues.
Sec. 4065. Monitoring of assistance.
Sec. 4066. United States policy to support disarmament of private militias and to support expansion of international peacekeeping and security operations in Afghanistan.
Sec. 4067. Efforts to expand international peacekeeping and security operations in Afghanistan.
Sec. 4068. Provisions relating to counternarcotics efforts in Afghanistan.
Sec. 4069. Additional amendments to the Afghanistan Freedom Support Act of 2002.
Sec. 4070. Repeal.

Subtitle E—Provisions Relating to Saudi Arabia and Pakistan

Sec. 4081. New United States strategy for relationship with Saudi Arabia.
Sec. 4082. United States commitment to the future of Pakistan.
Sec. 4083. Extension of Pakistan waivers.

Subtitle F—Oversight Provisions

Sec. 4091. Case-Zablocki Act requirements.

Subtitle G—Additional Protections of United States Aviation System from Terrorist Attacks

Sec. 4101. International agreements to allow maximum deployment of Federal flight deck officers.
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Sec. 4103. Man-portable air defense systems (MANPADS).

Subtitle H—Improving International Standards and Cooperation to Fight Terrorist Financing

Sec. 4111. Sense of the Congress regarding success in multilateral organizations.
Sec. 4112. Expanded reporting and testimony requirements for the Secretary of the Treasury.
Sec. 4113. Coordination of United States Government efforts.
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TITLE V—GOVERNMENT RESTRUCTURING

Subtitle A—Faster and Smarter Funding for First Responders

Sec. 5001. Short title.
Sec. 5002. Findings.
Sec. 5003. Faster and smarter funding for first responders.
Sec. 5004. Coordination of industry efforts.
Sec. 5005. Superseded provision.
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Sec. 5007. Sense of Congress regarding citizen corps councils.
Sec. 5008. Study regarding nationwide emergency notification system.
Sec. 5009. Required coordination.

Subtitle B—Government Reorganization Authority

Sec. 5021. Authorization of intelligence community reorganization plans.

Subtitle C—Restructuring Relating to the Department of Homeland Security and Congressional Oversight

Sec. 5025. Responsibilities of Counternarcotics Office.
Sec. 5026. Use of counternarcotics enforcement activities in certain employee performance appraisals.
Sec. 5027. Sense of the House of Representatives on addressing homeland security for the American people.
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Subtitle D—Improvements to Information Security

Sec. 5031. Amendments to Clinger-Cohen provisions to enhance agency planning for information security needs.

Subtitle E—Personnel Management Improvements

CHAPTER 1—APPOINTMENTS PROCESS REFORM

Sec. 5041. Appointments to national security positions.
Sec. 5042. Presidential inaugural transitions.
Sec. 5043. Public financial disclosure for the intelligence community.
Sec. 5044. Reduction of positions requiring appointment with Senate confirmation.
Sec. 5045. Effective dates.

CHAPTER 2—FEDERAL BUREAU OF INVESTIGATION REVITALIZATION

Sec. 5051. Mandatory separation age.
Sec. 5052. Retention and relocation bonuses.
Sec. 5053. Federal Bureau of Investigation Reserve Service.
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Subtitle F—Security Clearance Modernization

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Sec. 5073. Reciprocity of security clearance and access determinations.
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Subtitle G—Emergency Financial Preparedness

CHAPTER 1—EMERGENCY PREPAREDNESS FOR FISCAL AUTHORITIES

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Sec. 5084. Short title.

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Sec. 5091. Requirement that agency rulemaking take into consideration impacts on individual privacy.
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Sec. 5102. Mutual aid authorized.
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CHAPTER 3—MISCELLANEOUS MATTERS

Sec. 5131. Enhancement of public safety communications interoperability.
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TITLE I—REFORM OF THE INTELLIGENCE COMMUNITY

SEC. 1001. SHORT TITLE.

This title may be cited as the ''National Security Intelligence Improvement Act of 2004''.

Subtitle A—Establishment of National Intelligence Director

SEC. 1011. REORGANIZATION AND IMPROVEMENT OF MANAGEMENT OF INTELLIGENCE COMMUNITY.

(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:

''NATIONAL INTELLIGENCE DIRECTOR

''SEC. 102. (a) NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The National Intelligence Director shall not be located within the Executive Office of the President.

''(b) PRINCIPAL RESPONSIBILITY.—Subject to the authority, direction, and control of the President, the National Intelligence Director shall—

''(1) serve as head of the intelligence community;

''(2) act as the principal adviser to the President, to the National Security Council, and the Homeland Security Council for intelligence matters related to the national security; and

''(3) through the heads of the departments containing elements of the intelligence community, and the Central Intelligence Agency, manage and oversee the execution of the National Intelligence Program and direct the National Intelligence Program.

''(c) PROHIBITION ON DUAL SERVICE.—The individual serving in the position of National Intelligence Director shall not, while so serving, also serve as the Director of the Central Intelligence Agency or as the head of any other element of the intelligence community.

''RESPONSIBILITIES AND AUTHORITIES OF THE NATIONAL INTELLIGENCE DIRECTOR

''SEC. 102A. (a) PROVISION OF INTELLIGENCE.—(1) Under the direction of the President, the National Intelligence Director shall be responsible for ensuring that national intelligence is provided—

''(A) to the President;

''(B) to the heads of departments and agencies of the executive branch;

''(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders;

''(D) where appropriate, to the Senate and House of Representatives and the committees thereof; and

''(E) to such other persons as the National Intelligence Director determines to be appropriate.

''(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community and other appropriate entities.

''(b) ACCESS TO INTELLIGENCE.—To the extent approved by the President, the National Intelligence Director shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the National Intelligence Director.

''(c) BUDGET AUTHORITIES.—(1)(A) The National Intelligence Director shall develop and present to the President on an annual basis a budget for intelligence and intelligence-related activities of the United States.

''(B) In carrying out subparagraph (A) for any fiscal year for the components of the budget that comprise the National Intelligence Program, the National Intelligence Director shall provide guidance to the heads of departments containing elements of the intelligence community, and to the heads of the elements of the intelligence community, for development of budget inputs to the National Intelligence Director.

''(2)(A) The National Intelligence Director shall participate in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities.

''(B) The National Intelligence Director shall provide guidance for the development of the annual budget for each element of the intelligence community that is not within the National Intelligence Program.

''(3) In carrying out paragraphs (1) and (2), the National Intelligence Director may, as appropriate, obtain the advice of the Joint Intelligence Community Council.

''(4) The National Intelligence Director shall ensure the effective execution of the annual budget for intelligence and intelligence-related activities.

''(5)(A) The National Intelligence Director shall facilitate the management and execution of funds appropriated for the National Intelligence Program.

''(B) Notwithstanding any other provision of law, in receiving funds pursuant to relevant appropriations Acts for the National Intelligence Program, the Office of Management and Budget shall apportion funds appropriated for the National Intelligence Program to the National Intelligence Director for allocation to the elements of the intelligence community through the host executive departments that manage programs and activities that are part of the National Intelligence Program.

''(C) The National Intelligence Director shall monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community that manage programs and activities that are part of the National Intelligence Program, which may include audits and evaluations, as necessary and feasible.

''(6) Apportionment and allotment of funds under this subsection shall be subject to chapter 13 and section 1517 of title 31, United States Code, and the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.).

''(7)(A) The National Intelligence Director shall provide a quarterly report, beginning April 1, 2005, and ending April 1, 2007, to the President and the Congress regarding implementation of this section.

''(B) The National Intelligence Director shall report to the President and the Congress not later than 5 days after learning of any instance in which a departmental comptroller acts in a manner inconsistent with the law (including permanent statutes, authorization Acts, and appropriations Acts), or the direction of the National Intelligence Director, in carrying out the National Intelligence Program.

''(d) ROLE OF NATIONAL INTELLIGENCE DIRECTOR IN REPROGRAMMING.—(1) No funds made available under the National Intelligence Program may be transferred or reprogrammed without the prior approval of the National Intelligence Director, except in accordance with procedures prescribed by the National Intelligence Director.

''(2) The Secretary of Defense shall consult with the National Intelligence Director before transferring or reprogramming funds made available under the Joint Military Intelligence Program.

''(e) TRANSFER OF FUNDS OR PERSONNEL WITHIN NATIONAL INTELLIGENCE PROGRAM.—(1) 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—

''(A) may transfer funds appropriated for a program within the National Intelligence Program to another such program; and

''(B) 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 for periods up to one year.

''(2) The amounts available for transfer in the National Intelligence Program in any given fiscal year, and the terms and conditions governing such transfers, are subject to the provisions of annual appropriations Acts and this subsection.

''(3)(A) A transfer of funds or personnel may be made under this subsection only if—

''(i) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

''(ii) the need for funds or personnel for such activity is based on unforeseen requirements;

''(iii) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;

''(iv) in the case of a transfer of funds, the transfer results in a cumulative transfer of funds out of any department or agency, as appropriate, funded in the National Intelligence Program in a single fiscal year—

''(I) that is less than $100,000,000, and

''(II) that is less than 5 percent of amounts available to a department or agency under the National Intelligence Program; and

''(v) the transfer does not terminate a program.

''(B) A transfer may be made without regard to a limitation set forth in clause (iv) or (v) of subparagraph (A) if the transfer has

the concurrence of the head of the department or agency involved. The authority to provide such concurrence may only be delegated by the head of the department or agency involved to the deputy of such officer.

''(4) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

''(5) 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 the date of the enactment of this subsection.

''(6)(A) The National Intelligence Director shall promptly submit to—

''(i) the congressional intelligence committees,

''(ii) 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, and

''(iii) in the case of the transfer of personnel to or from the Department of Justice, to the Committees on the Judiciary of the Senate and the House of Representatives,

a report on any transfer of personnel made pursuant to this subsection.

''(B) 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.

''(f) TASKING AND OTHER AUTHORITIES.—(1)(A) The National Intelligence Director shall—

''(i) develop collection objectives, priorities, and guidance for the intelligence community to ensure timely and effective collection, processing, analysis, and dissemination (including access by users to collected data consistent with applicable law and, as appropriate, the guidelines referred to in subsection (b) and analytic products generated by or within the intelligence community) of national intelligence;

''(ii) determine and establish requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community, including—

''(I) approving requirements for collection and analysis, and

''(II) resolving conflicts in collection requirements and in the tasking of national collection assets of the elements of the intelligence community; and

''(iii) provide advisory tasking to intelligence elements of those agencies and departments not within the National Intelligence Program.

''(B) The authority of the National Intelligence Director under subparagraph (A) shall not apply—

''(i) insofar as the President so directs;

''(ii) with respect to clause (ii) of subparagraph (A), insofar as the Secretary of Defense exercises tasking authority under plans or arrangements agreed upon by the Secretary of Defense and the National Intelligence Director; or

''(iii) to the direct dissemination of information to State government and local government officials and private sector entities pursuant to sections 201 and 892 of the Homeland Security Act of 2002 (6 U.S.C. 121, 482).

''(2) The National Intelligence Director shall oversee the National Counterterrorism Center and may establish such other national intelligence centers as the Director determines necessary.

''(3)(A) The National Intelligence Director shall prescribe community-wide personnel policies that—

''(i) facilitate assignments across community elements and to the intelligence centers;

''(ii) establish overarching standards for intelligence education and training; and

''(iii) promote the most effective analysis and collection of intelligence by ensuring a diverse workforce, including the recruitment and training of women, minorities, and individuals with diverse, ethnic, and linguistic backgrounds.

''(B) In developing the policies prescribed under subparagraph (A), the National Intelligence Director shall consult with the heads of the departments containing the elements of the intelligence community.

''(C) Policies prescribed under subparagraph (A) shall not be inconsistent with the personnel policies otherwise applicable to members of the uniformed services.

''(4) The National Intelligence Director shall ensure compliance with the Constitution and laws of the United States by the Central Intelligence Agency and shall ensure such compliance by other elements of the intelligence community through the host executive departments that manage the programs and activities that are part of the National Intelligence Program.

''(5) The National Intelligence Director shall ensure the elimination of waste and unnecessary duplication within the intelligence community.

''(6) The National Intelligence Director shall perform such other functions as the President may direct.

''(7) Nothing in this title shall be construed as affecting the role of the Department of Justice or the Attorney General with respect to applications under the Foreign Intelligence Surveillance Act of 1978.

''(g) INTELLIGENCE INFORMATION SHARING.—(1) The National Intelligence Director shall have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements. The National Intelligence Director shall—

''(A) establish uniform security standards and procedures;

''(B) establish common information technology standards, protocols, and interfaces;

''(C) ensure development of information technology systems that include multi-level security and intelligence integration capabilities; and

''(D) establish policies and procedures to resolve conflicts between the need to share intelligence information and the need to protect intelligence sources and methods.

''(2) The President shall ensure that the National Intelligence Director has all necessary support and authorities to fully and effectively implement paragraph (1).

''(3) Except as otherwise directed by the President or with the specific written agreement of the head of the department or agency in question, a Federal agency or official shall not be considered to have met any obligation to provide any information, report, assessment, or other material (including unevaluated intelligence information) to that department or agency solely by virtue of having provided that information, report, assessment, or other material to the National Intelligence Director or the National Counterterrorism Center.

''(4) Not later than February 1 of each year, the National Intelligence Director shall submit to the President and to the Congress an annual report that identifies any statute, regulation, policy, or practice that the Director believes impedes the ability of the Director to fully and effectively implement paragraph (1).

''(h) ANALYSIS.—(1) The National Intelligence Director shall ensure that all elements of the intelligence community strive for the most accurate analysis of intelligence derived from all sources to support national security needs.

''(2) The National Intelligence Director shall ensure that intelligence analysis generally receives the highest priority when distributing resources within the intelligence community and shall carry out duties under this subsection in a manner that—

''(A) develops all-source analysis techniques;

''(B) ensures competitive analysis;

''(C) ensures that differences in judgment are fully considered and brought to the attention of policymakers; and

''(D) builds relationships between intelligence collectors and analysts to facilitate greater understanding of the needs of analysts.

''(i) 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 National Intelligence Director shall establish and implement guidelines for the intelligence community for the following purposes:

''(A) Classification of information.

''(B) Access to and dissemination of intelligence, both in final form and in the form when initially gathered.

''(C) Preparation of intelligence products in such a way that source information is removed to allow for dissemination at the lowest level of classification possible or in unclassified form to the extent practicable.

''(2) The Director may only delegate a duty or authority given the Director under this subsection to the Deputy National Intelligence Director.

''(j) 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 agency or department of the United States and to employees of contractors of those agencies or departments;

''(2) ensure the consistent implementation of those standards and procedures throughout such agencies and departments;

''(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 those agencies; and

''(4) ensure that the process for investigation and adjudication of an application for access to sensitive compartmented information is performed in the most expeditious manner possible consistent with applicable standards for national security.

''(k) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the President and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the National Intelligence Director shall oversee the coordination of 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.

''(1) ENHANCED PERSONNEL MANAGEMENT.—(1)(A) The National Intelligence Director shall, under regulations prescribed by the Director, provide incentives for personnel of elements of the intelligence community to serve—

''(i) on the staff of the National Intelligence Director;

''(ii) on the staff of the national intelligence centers;

''(iii) on the staff of the National Counterterrorism Center; and

''(iv) in other positions in support of the intelligence community management functions of the Director.

''(B) Incentives under subparagraph (A) may include financial incentives, bonuses, and such other awards and incentives as the Director considers appropriate.

''(2)(A) Notwithstanding any other provision of law, the personnel of an element of the intelligence community who are assigned or detailed under paragraph (1)(A) 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.

''(B) The Director may prescribe regulations to carry out this section.

''(3)(A) 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, users, and capabilities.

''(B) The mechanisms prescribed under subparagraph (A) may include the following:

''(i) The establishment of special occupational categories involving service, over the course of a career, in more than one element of the intelligence community.

''(ii) The provision of rewards for service in positions undertaking analysis and planning of operations involving two or more elements of the intelligence community.

''(iii) The establishment of requirements for education, training, service, and evaluation that involve service in more than one element of the intelligence community.

''(C) It is the sense of Congress that the mechanisms prescribed under this subsection should, to the extent practical, seek to duplicate for civilian personnel within the intelligence community the joint officer management policies established by chapter 38 of title 10, United States Code, and the other amendments made by title IV of the Goldwater–Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433).

''(4)(A) This subsection shall not apply with respect to personnel of the elements of the intelligence community who are members of the uniformed services or law enforcement officers (as that term is defined in section 5541(3) of title 5, United States Code).

''(B) Assignment to the Office of the National Intelligence Director of commissioned officers of the Armed Forces shall be considered a joint-duty assignment for purposes of the joint officer management policies prescribed by chapter 38 of title 10, United States Code, and other provisions of that title.

''(m) ADDITIONAL AUTHORITY WITH RESPECT TO PERSONNEL.—(1) In addition to the authorities under subsection (f)(3), the National Intelligence Director may exercise with respect to the personnel of the Office of the National Intelligence Director 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 subsection 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.

''(2) Employees and applicants for employment of the Office of the National Intelligence Director shall have the same rights and protections under the Office of the National Intelligence Director 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 subsection.

''(n) ACQUISITION AUTHORITIES.—(1) In carrying out the responsibilities and authorities under this section, the National Intelligence Director may exercise the acquisition authorities referred to in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.).

''(2) For the purpose of the exercise of any authority referred to in paragraph (1), 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.

''(3)(A) Any determination or decision to be made under an authority referred to in paragraph (1) 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.

''(B) Except as provided in subparagraph (C), 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 Office of the National Intelligence Director any authority to make a determination or decision as the head of the agency under an authority referred to in paragraph (1).

''(C) 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 Director of an authority referred to in paragraph (1).

''(D) 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 Office of the National Intelligence Director for a period of at least six years following the date of such determination or decision.

''(o) CONSIDERATION OF VIEWS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.—In carrying out the duties and responsibilities under this section, the National Intelligence Director shall take into account the views of a head of a department containing an element of the intelligence community and of the Director of the Central Intelligence Agency.

''OFFICE OF THE NATIONAL INTELLIGENCE DIRECTOR

''SEC. 103. (a) ESTABLISHMENT OF OFFICE; FUNCTION.—(1) There is an Office of the National Intelligence Director. The Office of the National Intelligence Director shall not be located within the Executive Office of the President.

''(2) The function of the Office is to assist the National Intelligence Director in carrying out the duties and responsibilities of the Director under this Act and to carry out such other duties as may be prescribed by the President or by law.

''(3) Any authority, power, or function vested by law in any officer, employee, or part of the Office of the National Intelligence Director is vested in, or may be exercised by, the National Intelligence Director.

''(4) Exemptions, exceptions, and exclusions for the Central Intelligence Agency or for personnel, resources, or activities of such Agency from otherwise applicable laws, other than the exception contained in section 104A(c)(1) shall apply in the same manner to the Office of the National Intelligence Director and the personnel, resources, or activities of such Office.

''(b) OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—(1) The Office of the National Intelligence Director is composed of the following:

''(A) The National Intelligence Director.

''(B) The Deputy National Intelligence Director.

''(C) The Deputy National Intelligence Director for Operations.

''(D) The Deputy National Intelligence Director for Community Management and Resources.

''(E) The Associate National Intelligence Director for Military Support.

''(F) The Associate National Intelligence Director for Domestic Security.

''(G) The Associate National Intelligence Director for Diplomatic Affairs.

''(H) The Associate National Intelligence Director for Science and Technology.

''(I) The National Intelligence Council.

''(J) The General Counsel to the National Intelligence Director.

''(K) Such other offices and officials as may be established by law or the National Intelligence Director may establish or designate in the Office.

''(2) 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 staff having expertise in matters relating to such duties and responsibilities and may establish permanent positions and appropriate rates of pay with respect to such staff.

''(c) 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) The Deputy National Intelligence Director shall assist the National Intelligence Director in carrying out the responsibilities of the National Intelligence Director under this Act.

''(3) 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 the National Intelligence Director.

''(4) The Deputy National Intelligence Director takes precedence in the Office of the National Intelligence Director immediately after the National Intelligence Director.

''(d) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR OPERATIONS.—(1) There is a Deputy National Intelligence Director for Operations.

''(2) The Deputy National Intelligence Director for Operations shall—

''(A) assist the National Intelligence Director in all aspects of intelligence operations, including intelligence tasking, requirements, collection, and analysis;

''(B) assist the National Intelligence Director in overseeing the national intelligence centers; and

''(C) perform such other duties and exercise such powers as National Intelligence Director may prescribe.

''(e) DEPUTY NATIONAL INTELLIGENCE DIRECTOR FOR COMMUNITY MANAGEMENT AND RESOURCES.—(1) There is a Deputy National Intelligence Director for Community Management and Resources.

''(2) The Deputy National Intelligence Director for Community Management and Resources shall—

''(A) assist the National Intelligence Director in all aspects of management and resources, including administration, budgeting, information security, personnel, training, and programmatic functions; and

''(B) perform such other duties and exercise such powers as the National Intelligence Director may prescribe.

''(f) ASSOCIATE NATIONAL INTELLIGENCE DIRECTOR FOR MILITARY SUPPORT.—(1) There is an Associate National Intelligence Director for Military Support who shall be appointed by the National Intelligence Director, in consultation with the Secretary of Defense.

''(2) The Associate National Intelligence Director for Military Support shall—

''(A) ensure that the intelligence needs of the Department of Defense are met; and

''(B) perform such other duties and exercise such powers as the National Intelligence Director may prescribe.

''(g) ASSOCIATE NATIONAL INTELLIGENCE DIRECTOR FOR DOMESTIC SECURITY.—(1) There is an Associate National Intelligence Director for Domestic Security who shall be appointed by the National Intelligence Director in consultation with the Attorney General and the Secretary of Homeland Security.

''(2) The Associate National Intelligence Director for Domestic Security shall—

''(A) ensure that the intelligence needs of the Department of Justice, the Department of Homeland Security, and other relevant executive departments and agencies are met; and

''(B) perform such other duties and exercise such powers as the National Intelligence Director may prescribe, except that the National Intelligence Director may not make such officer responsible for disseminating any domestic or homeland security information to State government or local government officials or any private sector entity.

''(h) ASSOCIATE NATIONAL INTELLIGENCE DIRECTOR FOR DIPLOMATIC AFFAIRS.—(1) There is an Associate National Intelligence Director for Diplomatic Affairs who shall be appointed by the National Intelligence Director in consultation with the Secretary of State.

''(2) The Associate National Intelligence Director for Diplomatic Affairs shall—

''(A) ensure that the intelligence needs of the Department of State are met; and

''(B) perform such other duties and exercise such powers as the National Intelligence Director may prescribe.

''(i) ASSOCIATE NATIONAL INTELLIGENCE DIRECTOR FOR SCIENCE AND TECHNOLOGY.—(1) There is an Associate National Intelligence Director for Science and Technology who shall be appointed by the National Intelligence Director.

''(2) The Associate National Intelligence Director for Science and Technology shall—

''(A) advise the National Intelligence Director regarding research and development efforts and priorities in support of the intelligence mission, to ensure that the science and technology needs of the National Intelligence Program will be met;

''(B) develop in consultation with appropriate agencies and the Associate National Intelligence Directors for Military Support, Domestic Security, and Diplomatic Affairs a strategic plan to support United States leadership in science and technology to facilitate intelligence missions; and

''(C) perform such other duties and exercise such powers as the National Intelligence Director may prescribe.

''(j) MILITARY STATUS OF DIRECTOR AND DEPUTY DIRECTORS.—(1) Not more than one of the individuals serving in the positions specified in paragraph (2) may be a commissioned officer of the Armed Forces in active status.

''(2) The positions referred to in this paragraph are the following:

''(A) The National Intelligence Director.

''(B) The Deputy National Intelligence Director.

''(3) It is the sense of Congress that, under ordinary circumstances, it is desirable that one of the individuals serving in the positions specified in paragraph (2)—

''(A) be a commissioned officer of the Armed Forces, in active status; or

''(B) have, by training or experience, an appreciation of military intelligence activities and requirements.

''(4) A commissioned officer of the Armed Forces, while serving in a position specified in paragraph (2)—

''(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.

''(5) Except as provided in subparagraph (A) or (B) of paragraph (4), the appointment of an officer of the Armed Forces to a position specified in paragraph (2) 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.

''(6) A commissioned officer of the Armed Forces on active duty who is appointed to a position specified in paragraph (2), 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 National Intelligence Director.

''(k) NATIONAL INTELLIGENCE COUNCIL.—(1) There is a National Intelligence Council.

''(2)(A) 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.

''(B) 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.

''(3) 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 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.

''(4) 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.

''(5) Subject to the direction and control of the National Intelligence Director, the National Intelligence Council may carry out its responsibilities under this subsection by contract, including contracts for substantive experts necessary to assist the Council with particular assessments under this subsection.

''(6) The National Intelligence Director shall make available to the National Intelligence Council such personnel as may be necessary to permit the Council to carry out its responsibilities under this subsection.

''(7)(A) 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.

''(B) The Council shall be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.

''(8) 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.

''(l) GENERAL COUNSEL TO THE NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a General Counsel to the National Intelligence Director.

''(2) The individual serving in the position of General Counsel to the National Intelligence Director may not, while so serving, also serve as the General Counsel of any other agency or department of the United States.

''(3) The General Counsel to the National Intelligence Director is the chief legal officer for the National Intelligence Director.

''(4) The General Counsel to the National Intelligence Director shall perform such functions as the National Intelligence Director may prescribe.

''(m) INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY OFFICER.—(1) There is an Intelligence Community Information Technology Officer who shall be appointed by the National Intelligence Director.

''(2) The mission of the Intelligence Community Information Technology Officer is to assist the National Intelligence Director in ensuring the sharing of information in the fullest and most prompt manner between and among elements of the intelligence community consistent with section 102A(g).

''(3) The Intelligence Community Information Technology Officer shall—

''(A) consult with the National Intelligence Director who shall provide guidance to the heads of the department containing elements of the intelligence community and heads of the elements of the intelligence community as appropriate;

''(B) assist the Deputy National Intelligence Director for Community Management and Resources in developing and implementing the Information Sharing Environment (ISE) established under section 1017 of the 9/11 Recommendations Implementation Act;

''(C) develop an enterprise architecture for the intelligence community and assist the National Intelligence Director through the Deputy National Intelligence Director for Community Management and Resources in ensuring that elements of the intelligence community comply with such architecture;

''(D) have procurement approval authority over all enterprise architecture-related information technology items funded in the National Intelligence Program;

''(E) ensure that all such elements have the most direct and continuous electronic access to all information (including unevaluated intelligence consistent with existing laws and the guidelines referred to in section 102A(b)) necessary for appropriately cleared analysts to conduct comprehensive all-source analysis and for appropriately cleared policymakers to perform their duties—

''(i) directly, in the case of the elements of the intelligence community within the National Intelligence Program, and

''(ii) in conjunction with the Secretary of Defense and other applicable heads of departments with intelligence elements outside the National Intelligence Program;

''(F) review and provide recommendations to the Deputy National Intelligence Director for Community Management and Resources on National Intelligence Program budget requests for information technology and national security systems;

''(G) assist the Deputy National Intelligence Director for Community Management and Resources in promulgating and enforcing standards on information technology and national security systems that apply throughout the elements of the intelligence community;

''(H) ensure that within and between the elements of the National Intelligence Program, duplicative and unnecessary information technology and national security systems are eliminated; and

''(I) pursuant to the direction of the National Intelligence Director, consult with the Director of the Office of Management and Budget to ensure that the Office of the National Intelligence Director coordinates and complies with national security requirements consistent with applicable law, Executive orders, and guidance; and

''(J) perform such other duties with respect to the information systems and information technology of the Office of the National Intelligence Director as may be prescribed by the Deputy National Intelligence Director for Community Management and Resources or specified by law.

''(n) COUNTERINTELLIGENCE OFFICER TO THE NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a Counterintelligence Officer to the National Intelligence Director who shall be appointed by the National Intelligence Director.

''(2) The mission of the Counterintelligence Officer to the National Intelligence Director is to assist the National Intelligence Director in reducing the threats of disclosure or loss of classified or sensitive information or penetration of national intelligence functions that may be potentiated by increased information sharing, enterprise architectures, or other activities under this Act.

''(3) The Counterintelligence Officer to the National Intelligence Director shall—

''(A) assist the Deputy National Intelligence Director for Community Management and Resources in developing and implementing counterintelligence policies for the functions of the Office of the National Intelligence Director, in consultation with the Associate National Intelligence Directors;

''(B) ensure that policies under subparagraph (A) and the implementation of those policies are coordinated with counterintelligence activities of appropriate agencies and elements of the National Intelligence Program, and with the activities of the Intelligence Community Information Officer;

''(C) review resource requirements to support the mission of the Counterintelligence Officer under this subsection and make recommendations to the Deputy National Intelligence Director for Community Management and Resources with respect to those requirements; and

''(D) perform such other duties as the National Intelligence Director shall prescribe.

''CENTRAL INTELLIGENCE AGENCY

''SEC. 104. (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 104A(c).

''DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

''SEC. 104A. (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. The Director shall be under the authority, direction, and control of the National Intelligence Director, except as otherwise determined by the President.

''(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) provide overall direction for the collection of national intelligence overseas or outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized;

''(3) correlate and evaluate intelligence related to the national security and provide appropriate dissemination of such intelligence;

''(4) 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

''(5) perform such other functions and duties related to intelligence affecting the national security as the President or the National Intelligence Director may direct.

''(d) DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.—There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President. The Deputy Director shall perform such functions as the Director may prescribe and shall perform the duties of the Director during the Director's absence or disability or during a vacancy in the position of the Director of the Central Intelligence Agency.

''(e) 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.''.

(b) FIRST DIRECTOR.—(1) When the Senate receives the nomination of a person for the initial appointment by the President for the position of National Intelligence Director, it shall consider and dispose of such nomination within a period of 30 legislative days.

(2) If the Senate does not dispose of such nomination referred to in paragraph (1) within such period—

(A) Senate confirmation is not required; and

(B) the appointment of such nominee as National Intelligence Director takes effect upon administration of the oath of office.

(3) For the purposes of this subsection, the term ''legislative day'' means a day on which the Senate is in session.

SEC. 1012. REVISED DEFINITION OF NATIONAL INTELLIGENCE.

Paragraph (5) of section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended to read as follows:

''(5) The terms 'national intelligence' and 'intelligence related to national security' refer to all intelligence, regardless of the source from which derived and including information gathered within or outside the United States, that—

''(A) pertains, as determined consistent with any guidance issued by the President, to more than one United States Government agency; and

''(B) that involves—

''(i) threats to the United States, its people, property, or interests;

''(ii) the development, proliferation, or use of weapons of mass destruction; or

''(iii) any other matter bearing on United States national or homeland security.''.

SEC. 1013. JOINT PROCEDURES FOR OPERATIONAL COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND CENTRAL INTELLIGENCE AGENCY.

(a) DEVELOPMENT OF PROCEDURES.—The National Intelligence Director, in consultation with the Secretary of Defense and the Director of the Central Intelligence Agency, shall develop joint procedures to be used by the Department of Defense and the Central Intelligence Agency to improve the coordination and deconfliction of operations that involve elements of both the Armed Forces and the Central Intelligence Agency consistent with national security and the protection of human intelligence sources and methods. Those procedures shall, at a minimum, provide the following:

(1) Methods by which the Director of the Central Intelligence Agency and the Secretary of Defense can improve communication and coordination in the planning, execution, and sustainment of operations, including, as a minimum—

(A) information exchange between senior officials of the Central Intelligence Agency and senior officers and officials of the Department of Defense when planning for such an operation commences by either organization; and

(B) exchange of information between the Secretary and the Director of the Central Intelligence Agency to ensure that senior operational officials in both the Department of Defense and the Central Intelligence Agency have knowledge of the existence of the ongoing operations of the other.

(2) When appropriate, in cases where the Department of Defense and the Central Intelligence Agency are conducting separate missions in the same geographical area, mutual

agreement on the tactical and strategic objectives for the region and a clear delineation of operational responsibilities to prevent conflict and duplication of effort.

(b) IMPLEMENTATION REPORT.—Not later than 180 days after the date of the enactment of the Act, the National Intelligence Director shall submit to the congressional defense committees (as defined in section 101 of title 10, United States Code) and the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) a report describing the procedures established pursuant to subsection (a) and the status of the implementation of those procedures.

SEC. 1014. ROLE OF NATIONAL INTELLIGENCE DIRECTOR IN APPOINTMENT OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

Section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by striking all after the heading and inserting the following:

''(a) RECOMMENDATION OF NID IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), 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 Director of the Central Intelligence Agency.

''(b) CONCURRENCE OF NID IN APPOINTMENTS TO POSITIONS IN THE INTELLIGENCE COMMUNITY.—(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 not fill the vacancy or make the recommendation to the President (as the case may be). In the case in which the National Intelligence Director does not concur in such a recommendation, the Director and the head of the department or agency concerned may advise the President directly of the intention to withhold concurrence or to make a recommendation, as the case may be.

''(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) CONSULTATION WITH NATIONAL INTELLIGENCE DIRECTOR IN CERTAIN POSITIONS.—(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 consult with 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.

''(2) Paragraph (1) applies to the following positions:

''(A) The Director of the Defense Intelligence Agency.

''(B) The Assistant Secretary of State for Intelligence and Research.

''(C) The Director of the Office of Intelligence of the Department of Energy.

''(D) The Director of the Office of Counterintelligence of the Department of Energy.

''(E) The Assistant Secretary for Intelligence and Analysis of the Department of the Treasury.

''(F) The Executive Assistant Director for Intelligence of the Federal Bureau of Investigation or successor.

''(G) The Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection.

''(H) The Deputy Assistant Commandant of the Coast Guard for Intelligence.

SEC. 1015. INITIAL APPOINTMENT OF THE NATIONAL INTELLIGENCE DIRECTOR.

(a) INITIAL APPOINTMENT OF THE NATIONAL INTELLIGENCE DIRECTOR.—Notwithstanding section 102(a)(1) of the National Security Act of 1947, as added by section 1011(a), the individual serving as the Director of Central Intelligence on the date immediately preceding the date of the enactment of this Act may, at the discretion of the President, become the initial National Intelligence Director.

(b) GENERAL REFERENCES.—(1) 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 National Intelligence Director.

(2) 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.

(3) 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 National Intelligence Director.

(4) Any reference to the Deputy Director of Central Intelligence for Community Management in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the Deputy National Intelligence Director for Community Management and Resources.

SEC. 1016. 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. 1017. INFORMATION SHARING.

(a) FINDINGS.—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.

(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.

(3) In the period preceding 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) The current system, in which each intelligence agency has its own security practices, requires a demonstrated ''need to know'' before sharing.

(5) The National Intelligence Director should pursue setting an executable government-wide security mode policy of ''right-to-share,'' one based on a proven blend of both integrity and access control models and supported by applicable law. No single agency can create a meaningful government-wide information sharing system on its own.

(b) ESTABLISHMENT OF INFORMATION SHARING ENVIRONMENT.—The President shall establish a secure information sharing environment (ISE) for the sharing of intelligence and related information in a manner consistent with national security and the protection of privacy and civil liberties. The information sharing environment (ISE) shall be based on clearly defined and consistently applied policies and procedures, and valid investigative, analytical, and operational requirements.

Subtitle B—National Counterterrorism Center and Civil Liberties Protections

SEC. 1021. NATIONAL COUNTERTERRORISM CENTER.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

''NATIONAL COUNTERTERRORISM CENTER

''SEC. 119. (a) ESTABLISHMENT OF CENTER.—There is within the Office of the National Intelligence Director a National Counterterrorism Center.

''(b) DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—There is a Director of the National Counterterrorism Center, who shall be the head of the National Counterterrorism Center, who shall be appointed by National Intelligence Director.

''(c) SUPERVISION.—The Director of the National Counterterrorism Center shall report to the National Intelligence Director on—

''(1) the budget and programs of the National Counterterrorism Center;

''(2) the activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (h);

''(3) the conduct of intelligence operations implemented by other elements of the intelligence community; and

''(4) the planning and progress of joint counterterrorism operations (other than intelligence operations).

The National Intelligence Director shall carry out this section through the Deputy National Intelligence Director for Operations.

''(d) PRIMARY MISSIONS.—The primary missions of the National Counterterrorism Center shall be as follows:

''(1) To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

''(2) To conduct strategic operational planning for counterterrorism activities, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

''(3) To assign roles and missions responsibilities as part of the its strategic operational planning duties to lead Departments or agencies, as appropriate, for counterterrorism activities that are consistent with applicable law and that support counterterrorism strategic plans, but shall not direct the execution of any resulting operations.

''(4) To ensure that agencies, as appropriate, have access to and receive all-source

intelligence support needed to execute their counterterrorism plans or perform independent, alternative analysis.

''(5) To ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.

''(6) To serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as their goals, strategies, capabilities, and networks of contacts and support.

''(e) DOMESTIC COUNTERTERRORISM INTELLIGENCE.—(1) The Center may, consistent with applicable law, the direction of the President, and the guidelines referred to in section 102A(b), receive intelligence pertaining exclusively to domestic counterterrorism from any Federal, State, or local government or other source necessary to fulfill its responsibilities and retain and disseminate such intelligence.

''(2) Any agency authorized to conduct counterterrorism activities may request information from the Center to assist it in its responsibilities, consistent with applicable law and the guidelines referred to in section 102A(b).

''(f) DUTIES AND RESPONSIBILITIES OF DIRECTOR.—The Director of the National Counterterrorism Center shall—

''(1) serve as the principal adviser to the National Intelligence Director on intelligence operations relating to counterterrorism;

''(2) provide strategic guidance and plans 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 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;

''(4) disseminate terrorism information, including current terrorism threat analysis, to the President, the Vice President, the Secretaries of State, Defense, and Homeland Security, the Attorney General, the Director of the Central Intelligence Agency, and other officials of the executive branch as appropriate, and to the appropriate committees of Congress;

''(5) support the Department of Justice and the Department of Homeland Security, and other appropriate agencies, in fulfillment of their responsibilities to disseminate terrorism information, consistent with applicable law, guidelines referred to in section 102A(b), Executive Orders and other Presidential guidance, to State and local government officials, and other entities, and coordinate dissemination of terrorism information to foreign governments as approved by the National Intelligence Director;

''(6) consistent with priorities approved by the President, assist the National Intelligence Director in establishing requirements for the intelligence community for the collection of terrorism information; and

''(7) perform such other duties as the National Intelligence Director may prescribe or are prescribed by law.

''(g) LIMITATION.—The Director of the National Counterterrorism Center may not direct the execution of counterterrorism operations.

''(h) RESOLUTION OF DISPUTES.—The National Intelligence Director shall resolve disagreements between the National Counterterrorism Center and the head of a department, agency, or element of the United States Government on designations, assignments, plans, or responsibilities. The head of such a department, agency, or element may appeal the resolution of the disagreement by the National Intelligence Director to the President.

''(i) DIRECTORATE OF INTELLIGENCE.—The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Intelligence which shall have primary responsibility within the United States Government for analysis of terrorism and terrorist organizations (except for purely domestic terrorism and domestic terrorist organizations) from all sources of intelligence, whether collected inside or outside the United States.

''(j) DIRECTORATE OF STRATEGIC PLANNING.—The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Strategic Planning which shall provide strategic guidance and plans for counterterrorism operations conducted by the United States Government.''.

(b) CLERICAL AMENDMENT.—The table of sections for the National Security Act of 1947 is amended by inserting after the item relating to section 118 the following new item:

''Sec. 119. National Counterterrorism Center.''.

SEC. 1022. CIVIL LIBERTIES PROTECTION OFFICER.

(a) CIVIL LIBERTIES PROTECTION OFFICER.—(1) Within the Office of the National Intelligence Director, there is a Civil Liberties Protection Officer who shall be appointed by the National Intelligence Director.

(2) The Civil Liberties Protection Officer shall report directly to the National Intelligence Director.

(b) DUTIES.—The Civil Liberties Protection Officer shall—

(1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the Office of the National Intelligence Director and the elements of the intelligence community within the National Intelligence Program;

(2) oversee compliance by the Office and the National Intelligence Director with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy;

(3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the National Intelligence Director and, as appropriate, investigate any such complaint or information;

(4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(5) ensure that personal information contained in a system of records subject to section 552a of title 5, United States Code (popularly referred to as the 'Privacy Act'), is handled in full compliance with fair information practices as set out in that section;

(6) conduct privacy impact assessments when appropriate or as required by law; and

(7) perform such other duties as may be prescribed by the National Intelligence Director or specified by law.

(c) USE OF AGENCY INSPECTORS GENERAL.—When appropriate, the Civil Liberties Protection Officer may refer complaints to the Office of Inspector General having responsibility for the affected element of the department or agency of the intelligence community to conduct an investigation under paragraph (3) of subsection (b).

Subtitle C—Joint Intelligence Community Council

SEC. 1031. JOINT INTELLIGENCE COMMUNITY COUNCIL.

(a) ESTABLISHMENT.—(1) There is hereby established a Joint Intelligence Community Council.

(b) FUNCTIONS.—(1) The Joint Intelligence Community Council shall provide advice to the National Intelligence Director as appropriate.

(2) The National Intelligence Director shall consult with the Joint Intelligence Community Council in developing guidance for the development of the annual National Intelligence Program budget.

(c) MEMBERSHIP.—The Joint Intelligence Community Council shall consist of the following:

(1) The National Intelligence Director, who shall chair the Council.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Attorney General.

(6) The Secretary of Energy.

(7) The Secretary of Homeland Security.

(8) Such other officials of the executive branch as the President may designate.

Subtitle D—Improvement of Human Intelligence (HUMINT)

SEC. 1041. HUMAN INTELLIGENCE AS AN INCREASINGLY CRITICAL COMPONENT OF THE INTELLIGENCE COMMUNITY.

It is a sense of Congress that—

(1) the human intelligence officers of the intelligence community have performed admirably and honorably in the face of great personal dangers;

(2) during an extended period of unprecedented investment and improvements in technical collection means, the human intelligence capabilities of the United States have not received the necessary and commensurate priorities;

(3) human intelligence is becoming an increasingly important capability to provide information on the asymmetric threats to the national security of the United States;

(4) the continued development and improvement of a robust and empowered and flexible human intelligence work force is critical to identifying, understanding, and countering the plans and intentions of the adversaries of the United States; and

(5) an increased emphasis on, and resources applied to, enhancing the depth and breadth of human intelligence capabilities of the United States intelligence community must be among the top priorities of the National Intelligence Director.

SEC. 1042. IMPROVEMENT OF HUMAN INTELLIGENCE CAPACITY.

Not later than 6 months after the date of the enactment of this Act, the National Intelligence Director shall submit to Congress a report on existing human intelligence (HUMINT) capacity which shall include a plan to implement changes, as necessary, to accelerate improvements to, and increase the capacity of, HUMINT across the intelligence community.

Subtitle E—Improvement of Education for the Intelligence Community

SEC. 1051. MODIFICATION OF OBLIGATED SERVICE REQUIREMENTS UNDER NATIONAL SECURITY EDUCATION PROGRAM.

(a) IN GENERAL.—(1) Subsection (b)(2) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended to read as follows:

''(2) will meet the requirements for obligated service described in subsection (j); and''.

(2) Such section is further amended by adding at the end the following new subsection:

''(j) REQUIREMENTS FOR OBLIGATED SERVICE IN THE GOVERNMENT.—(1) Each recipient of a scholarship or a fellowship under the program shall work in a specified national security position. In this subsection, the term 'specified national security position' means a position of a department or agency of the United States that the Secretary certifies is appropriate to use the unique language and region expertise acquired by the recipient pursuant to the study for which scholarship or fellowship assistance (as the case may be) was provided under the program.

''(2) Each such recipient shall commence work in a specified national security position as soon as practicable but in no case later than two years after the completion by the recipient of the study for which scholarship or fellowship assistance (as the case may be) was provided under the program.

''(3) Each such recipient shall work in a specified national security position for a period specified by the Secretary, which period shall include—

''(A) in the case of a recipient of a scholarship, one year of service for each year, or portion thereof, for which such scholarship assistance was provided, and

''(B) in the case of a recipient of a fellowship, not less than one nor more than three years for each year, or portion thereof, for which such fellowship assistance was provided.

''(4) Recipients shall seek specified national security positions as follows:

''(A) In the Department of Defense or in any element of the intelligence community.

''(B) In the Department of State or in the Department of Homeland Security, if the recipient demonstrates to the Secretary that no position is available in the Department of Defense or in any element of the intelligence community.

''(C) In any other Federal department or agency not referred to in subparagraphs (A) and (B), if the recipient demonstrates to the Secretary that no position is available in a Federal department or agency specified in such paragraphs.''.

(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out subsection (j) of section 802 of the David L. Boren National Security Education Act of 1991, as added by subsection (a). In prescribing such regulations, the Secretary shall establish standards that recipients of scholarship and fellowship assistance under the program under section 802 of the David L. Boren National Security Education Act of 1991 are required to demonstrate in order to satisfy the requirement of a good faith effort to gain employment as required under such subsection.

(c) APPLICABILITY.—(1) The amendments made by subsection (a) shall apply with respect to service agreements entered into under the David L. Boren National Security Education Act of 1991 on or after the date of the enactment of this Act.

(2) The amendments made by subsection (a) shall not affect the force, validity, or terms of any service agreement entered into under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act that is in force as of that date.

SEC. 1052. IMPROVEMENTS TO THE NATIONAL FLAGSHIP LANGUAGE INITIATIVE.

(a) INCREASE IN ANNUAL AUTHORIZATION OF APPROPRIATIONS.—(1) Title VIII of the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183; 105 Stat. 1271), as amended by section 311(c) of the Intelligence Authorization Act for Fiscal Year 1994 (Public Law 103–178; 107 Stat. 2037) and by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2397), is amended in subsection (a) of section 811 by striking ''there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000,'' and inserting ''there is authorized to be appropriated to the Secretary for each of fiscal years 2003 and 2004, $10,000,000, and for fiscal year 2005 and each subsequent fiscal year, $12,000,000,''.

(2) Subsection (b) of such section is amended by inserting ''for fiscal years 2003 and 2004 only'' after ''authorization of appropriations under subsection (a)''.

(b) REQUIREMENT FOR EMPLOYMENT AGREEMENTS.—(1) Section 802(i) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(i)) is amended by adding at the end the following new paragraph:

''(5)(A) In the case of an undergraduate or graduate student that participates in training in programs under paragraph (1), the student shall enter into an agreement described in subsection (b), other than such a student who has entered into such an agreement pursuant to subparagraph (A)(ii) or (B)(ii) of section 802(a)(1).

''(B) In the case of an employee of an agency or department of the Federal Government that participates in training in programs under paragraph (1), the employee shall agree in writing—

''(i) to continue in the service of the agency or department of the Federal Government employing the employee for the period of such training;

''(ii) to continue in the service of such agency or department employing the employee following completion of such training for a period of two years for each year, or part of the year, of such training;

''(iii) to reimburse the United States for the total cost of such training (excluding the employee's pay and allowances) provided to the employee if, before the completion by the employee of the training, the employment of the employee by the agency or department is terminated due to misconduct by the employee or by the employee voluntarily; and

''(iv) to reimburse the United States if, after completing such training, the employment of the employee by the agency or department is terminated either by the agency or department due to misconduct by the employee or by the employee voluntarily, before the completion by the employee of the period of service required in clause (ii), in an amount that bears the same ratio to the total cost of the training (excluding the employee's pay and allowances) provided to the employee as the unserved portion of such period of service bears to the total period of service under clause (ii).

''(C) Subject to subparagraph (D), the obligation to reimburse the United States under an agreement under subparagraph (A) is for all purposes a debt owing the United States.

''(D) The head of an element of the intelligence community may release an employee, in whole or in part, from the obligation to reimburse the United States under an agreement under subparagraph (A) when, in the discretion of the head of the element, the head of the element determines that equity or the interests of the United States so require.''.

(2) The amendment made by paragraph (1) shall apply to training that begins on or after the date that is 90 days after the date of the enactment of this Act.

(c) INCREASE IN THE NUMBER OF PARTICIPATING EDUCATIONAL INSTITUTIONS.—The Secretary of Defense shall take such steps as the Secretary determines will increase the number of qualified educational institutions that receive grants under the National Flagship Language Initiative to establish, operate, or improve activities designed to train students in programs in a range of disciplines to achieve advanced levels of proficiency in those foreign languages that the Secretary identifies as being the most critical in the interests of the national security of the United States.

(d) CLARIFICATION OF AUTHORITY TO SUPPORT STUDIES ABROAD.—Educational institutions that receive grants under the National Flagship Language Initiative may support students who pursue total immersion foreign language studies overseas of foreign languages that are critical to the national security of the United States.

SEC. 1053. ESTABLISHMENT OF SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES WITHIN THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) SCHOLARSHIP PROGRAM FOR ENGLISH LANGUAGE STUDIES FOR HERITAGE COMMUNITY CITIZENS OF THE UNITED STATES.—(1) Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) awarding scholarships to students who—

''(i) are United States citizens who—

''(I) are native speakers (commonly referred to as heritage community residents) of a foreign language that is identified as critical to the national security interests of the United States who should be actively recruited for employment by Federal security agencies with a need for linguists; and

''(II) are not proficient at a professional level in the English language with respect to reading, writing, and interpersonal skills required to carry out the national security interests of the United States, as determined by the Secretary,

to enable such students to pursue English language studies at an institution of higher education of the United States to attain proficiency in those skills; and

''(ii) enter into an agreement to work in a national security position or work in the field of education in the area of study for which the scholarship was awarded in a similar manner (as determined by the Secretary) as agreements entered into pursuant to subsection (b)(2)(A).''.

(2) The matter following subsection (a)(2) of such section is amended—

(A) in the first sentence, by inserting ''or for the scholarship program under paragraph (1)(E)'' after ''under paragraph (1)(D) for the National Flagship Language Initiative described in subsection (i)''; and

(B) by adding at the end the following: ''For the authorization of appropriations for the scholarship program under paragraph (1)(E), see section 812.''.

(3) Section 803(d)(4)(E) of such Act (50 U.S.C. 1903(d)(4)(E)) is amended by inserting before the period the following: ''and section 802(a)(1)(E) (relating to scholarship programs for advanced English language studies by heritage community residents)''.

(b) FUNDING.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

''SEC. 812. FUNDING FOR SCHOLARSHIP PROGRAM FOR CERTAIN HERITAGE COMMUNITY RESIDENTS.

''There is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2005, $4,000,000, to carry out the scholarship programs for English language studies by certain heritage community residents under section 802(a)(1)(E).

SEC. 1054. SENSE OF CONGRESS WITH RESPECT TO LANGUAGE AND EDUCATION FOR THE INTELLIGENCE COMMUNITY; REPORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that there should be within the Office of the National Intelligence Director a senior official responsible to assist the National Intelligence Director in carrying out the Director's responsibilities for establishing policies and procedure for foreign language education and training of the intelligence community. The duties of such official should include the following:

(1) Overseeing and coordinating requirements for foreign language education and training of the intelligence community.

(2) Establishing policy, standards, and priorities relating to such requirements.

(3) Identifying languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

(4) Monitoring the allocation of resources for foreign language education and training in order to ensure the requirements of the intelligence community with respect to foreign language proficiency are met.

(b) REPORTS.—Not later than one year after the date of the enactment of this Act, the National Intelligence Director shall submit to Congress the following reports:

(1) A report that identifies—

(A) skills and processes involved in learning a foreign language; and

(B) characteristics and teaching techniques that are most effective in teaching foreign languages.

(2)(A) A report that identifies foreign language heritage communities, particularly such communities that include speakers of languages that are critical to the national security of the United States.

(B) For purposes of subparagraph (A), the term ''foreign language heritage community'' means a community of residents or citizens of the United States—

(i) who are native speakers of, or who have fluency in, a foreign language; and

(ii) who should be actively recruited for employment by Federal security agencies with a need for linguists.

(3) A report on—

(A) the estimated cost of establishing a program under which the heads of elements of the intelligence community agree to repay employees of the intelligence community for any student loan taken out by that employee for the study of foreign languages critical for the national security of the United States; and

(B) the effectiveness of such a program in recruiting and retaining highly qualified personnel in the intelligence community.

SEC. 1055. ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title X of the National Security Act of 1947 (50 U.S.C.) is amended—

(1) by inserting before section 1001 (50 U.S.C. 441g) the following:

"Subtitle A—Science and Technology";

and

(2) by adding at the end the following new subtitles:

"Subtitle B—Foreign Languages Program

''PROGRAM ON ADVANCEMENT OF FOREIGN LANGUAGES CRITICAL TO THE INTELLIGENCE COMMUNITY

''SEC. 1011. (a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the National Intelligence Director may jointly establish a program to advance foreign languages skills in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States (hereinafter in this subtitle referred to as the 'Foreign Languages Program').

''(b) IDENTIFICATION OF REQUISITE ACTIONS.—In order to carry out the Foreign Languages Program, the Secretary of Defense and the National Intelligence Director shall jointly determine actions required to improve the education of personnel in the intelligence community in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States to meet the long-term intelligence needs of the United States.

''EDUCATION PARTNERSHIPS

''SEC. 1012. (a) IN GENERAL.—In carrying out the Foreign Languages Program, the head of a department or agency containing an element of an intelligence community entity may enter into one or more education partnership agreements with educational institutions in the United States in order to encourage and enhance the study of foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States in educational institutions.

''(b) ASSISTANCE PROVIDED UNDER EDUCATIONAL PARTNERSHIP AGREEMENTS.—Under an educational partnership agreement entered into with an educational institution pursuant to this section, the head of an element of an intelligence community entity may provide the following assistance to the educational institution:

''(1) The loan of equipment and instructional materials of the element of the intelligence community entity to the educational institution for any purpose and duration that the head determines to be appropriate.

''(2) Notwithstanding any other provision of law relating to transfers of surplus property, the transfer to the educational institution of any computer equipment, or other equipment, that is—

''(A) commonly used by educational institutions;

''(B) surplus to the needs of the entity; and

''(C) determined by the head of the element to be appropriate for support of such agreement.

''(3) The provision of dedicated personnel to the educational institution—

''(A) to teach courses in foreign languages that are critical to the capability of the intelligence community to carry out national security activities of the United States; or

''(B) to assist in the development of such courses and materials for the institution.

''(4) The involvement of faculty and students of the educational institution in research projects of the element of the intelligence community entity.

''(5) Cooperation with the educational institution in developing a program under which students receive academic credit at the educational institution for work on research projects of the element of the intelligence community entity.

''(6) The provision of academic and career advice and assistance to students of the educational institution.

''(7) The provision of cash awards and other items that the head of the element of the intelligence community entity determines to be appropriate.

''VOLUNTARY SERVICES

''SEC. 1013. (a) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, and subject to subsection (b), the Foreign Languages Program under section 1011 shall include authority for the head of an element of an intelligence community entity to accept from any individual who is dedicated personnel (as defined in section 1016(3)) voluntary services in support of the activities authorized by this subtitle.

''(b) REQUIREMENTS AND LIMITATIONS.—(1) In accepting voluntary services from an individual under subsection (a), the head of the element shall—

''(A) supervise the individual to the same extent as the head of the element would supervise a compensated employee of that element providing similar services; and

''(B) ensure that the individual is licensed, privileged, has appropriate educational or experiential credentials, or is otherwise qualified under applicable law or regulations to provide such services.

''(2) In accepting voluntary services from an individual under subsection (a), the head of an element of the intelligence community entity may not—

''(A) place the individual in a policy-making position, or other position performing inherently government functions; or

''(B) compensate the individual for the provision of such services.

''(c) AUTHORITY TO RECRUIT AND TRAIN INDIVIDUALS PROVIDING SERVICES.—The head of an element of an intelligence community entity may recruit and train individuals to provide voluntary services accepted under subsection (a).

''(d) STATUS OF INDIVIDUALS PROVIDING SERVICES.—(1) Subject to paragraph (2), while providing voluntary services accepted under subsection (a) or receiving training under subsection (c), an individual shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

''(A) Section 552a of title 5, United States Code (relating to maintenance of records on individuals).

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

''(2)(A) With respect to voluntary services accepted under paragraph (1) provided by an individual that are within the scope of the services so accepted, the individual is deemed to be a volunteer of a governmental entity or nonprofit institution for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

''(B) In the case of any claim against such an individual with respect to the provision of such services, section 4(d) of such Act (42 U.S.C. 14503(d)) shall not apply.

''(3) Acceptance of voluntary services under this section shall have no bearing on the issuance or renewal of a security clearance.

''(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—(1) The head of an element of the intelligence community entity may reimburse an individual for incidental expenses incurred by the individual in providing voluntary services accepted under subsection (a). The head of an element of the intelligence community entity shall determine which expenses are eligible for reimbursement under this subsection.

''(2) Reimbursement under paragraph (1) may be made from appropriated or non-appropriated funds.

''(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The head of an element of the intelligence community may install telephone lines and any necessary telecommunication equipment in the private residences of individuals who provide voluntary services accepted under subsection (a).

''(2) The head of an element of the intelligence community may pay the charges incurred for the use of equipment installed under paragraph (1) for authorized purposes.

''(3) Notwithstanding section 1348 of title 31, United States Code, the head of an element of the intelligence community entity may use appropriated funds or non-appropriated funds of the element in carrying out this subsection.

''REGULATIONS

''SEC. 1014. (a) IN GENERAL.—The Secretary of Defense and the National Intelligence Director jointly shall promulgate regulations necessary to carry out the Foreign Languages Program authorized under this subtitle.

''(b) ELEMENTS OF THE INTELLIGENCE COMMUNITY.—Each head of an element of an intelligence community entity shall prescribe regulations to carry out sections 1012 and 1013 with respect to that element including the following:

''(1) Procedures to be utilized for the acceptance of voluntary services under section 1013.

''(2) Procedures and requirements relating to the installation of equipment under section 1013(g).

''DEFINITIONS

''SEC. 1015. In this subtitle:

''(1) The term 'intelligence community entity' means an agency, office, bureau, or element referred to in subparagraphs (B) through (K) of section 3(4).

''(2) The term 'educational institution' means—

''(A) a local educational agency (as that term is defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))),

''(B) an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) other than institutions referred to in subsection (a)(1)(C) of such section), or

''(C) any other nonprofit institution that provides instruction of foreign languages in languages that are critical to the capability of the intelligence community to carry out national security activities of the United States.

''(3) The term 'dedicated personnel' means employees of the intelligence community and private citizens (including former civilian employees of the Federal Government who have been voluntarily separated, and members of the United States Armed Forces who have been honorably discharged or generally discharged under honorable circumstances, and rehired on a voluntary basis specifically to perform the activities authorized under this subtitle).

''Subtitle C—Additional Education Provisions

''ASSIGNMENT OF INTELLIGENCE COMMUNITY PERSONNEL AS LANGUAGE STUDENTS

''SEC. 1021. (a) IN GENERAL.—(1) The National Intelligence Director, acting through the heads of the elements of the intelligence community, may provide for the assignment of military and civilian personnel described in paragraph (2) as students at accredited professional, technical, or other institutions of higher education for training at the graduate or undergraduate level in foreign languages required for the conduct of duties and responsibilities of such positions.

''(2) Personnel referred to in paragraph (1) are personnel of the elements of the intelligence community who serve in analysts positions in such elements and who require foreign language expertise required for the conduct of duties and responsibilities of such positions.

''(b) AUTHORITY FOR REIMBURSEMENT OF COSTS OF TUITION AND TRAINING.—(1) The Director may reimburse an employee assigned under subsection (a) for the total cost of the training described in subsection (a), including costs of educational and supplementary reading materials.

''(2) The authority under paragraph (1) shall apply to employees who are assigned on a full-time or part-time basis.

''(3) Reimbursement under paragraph (1) may be made from appropriated or nonappropriated funds.

''(c) RELATIONSHIP TO COMPENSATION AS AN ANALYST.—Reimbursement under this section to an employee who is an analyst is in addition to any benefits, allowances, travels, or other compensation the employee is entitled to by reason of serving in such an analyst position.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Security Act of 1947 is amended by striking the item relating to section 1001 and inserting the following new items:

''Subtitle A—Science and Technology

''Sec. 1001. Scholarships and work-study for pursuit of graduate degrees in science and technology.

''Subtitle B—Foreign Languages Program

''Sec. 1011. Program on advancement of foreign languages critical to the intelligence community.

''Sec. 1012. Education partnerships.

''Sec. 1013. Voluntary services.

''Sec. 1014. Regulations.

''Sec. 1015. Definitions.

''Subtitle C—Additional Education Provisions

''Sec. 1021. Assignment of intelligence community personnel as language students.''.

SEC. 1056. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.

(a) PILOT PROJECT.—The National Intelligence Director shall conduct a pilot project to establish a Civilian Linguist Reserve Corps comprised of United States citizens with advanced levels of proficiency in foreign languages who would be available upon a call of the President to perform such service or duties with respect to such foreign languages in the Federal Government as the President may specify.

(b) CONDUCT OF PROJECT.—Taking into account the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), in conducting the pilot project under subsection (a) the National Intelligence Director shall—

(1) identify several foreign languages that are critical for the national security of the United States;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a); and

(3) implement a call for the performance of such services and duties.

(c) DURATION OF PROJECT.—The pilot project under subsection (a) shall be conducted for a three-year period.

(d) AUTHORITY TO ENTER INTO CONTRACTS.—The National Intelligence Director may enter into contracts with appropriate agencies or entities to carry out the pilot project under subsection (a).

(e) REPORTS.—(1) The National Intelligence Director shall submit to Congress an initial and a final report on the pilot project conducted under subsection (a).

(2) Each report required under paragraph (1) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(3) The final report shall be submitted not later than 6 months after the completion of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Intelligence Director such sums as are necessary for each of fiscal years 2005, 2006, and 2007 in order to carry out the pilot project under subsection (a).

SEC. 1057. CODIFICATION OF ESTABLISHMENT OF THE NATIONAL VIRTUAL TRANSLATION CENTER.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 1021(a), is further amended by adding at the end the following new section:

''NATIONAL VIRTUAL TRANSLATION CENTER

''SEC. 120. (a) IN GENERAL.—There is an element of the intelligence community known as the National Virtual Translation Center under the direction of the National Intelligence Director.

''(b) FUNCTION.—The National Virtual Translation Center shall provide for timely and accurate translations of foreign intelligence for all other elements of the intelligence community.

''(c) FACILITATING ACCESS TO TRANSLATIONS.—In order to minimize the need for a central facility for the National Virtual Translation Center, the Center shall—

''(1) use state-of-the-art communications technology;

''(2) integrate existing translation capabilities in the intelligence community; and

''(3) use remote-connection capacities.

''(d) USE OF SECURE FACILITIES.—Personnel of the National Virtual Translation Center may carry out duties of the Center at any location that—

''(1) has been certified as a secure facility by an agency or department of the United States; and

''(2) the National Intelligence Director determines to be appropriate for such purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections for that Act, as amended by section 1021(b), is further amended by inserting after the item relating to section 119 the following new item:

''Sec. 120. National Virtual Translation Center.''.

SEC. 1058. REPORT ON RECRUITMENT AND RETENTION OF QUALIFIED INSTRUCTORS OF THE DEFENSE LANGUAGE INSTITUTE.

(a) STUDY.—The Secretary of Defense shall conduct a study on methods to improve the recruitment and retention of qualified foreign language instructors at the Foreign Language Center of the Defense Language Institute. In conducting the study, the Secretary shall consider, in the case of a foreign language instructor who is an alien, to expeditiously adjust the status of the alien from a temporary status to that of an alien lawfully admitted for permanent residence.

(b) REPORT.—(1) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the study conducted under subsection (a), and shall include in that report recommendations for such changes in legislation and regulation as the Secretary determines to be appropriate.

(2) DEFINITION.—In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The Select Committee on Intelligence and the Committee on Armed Services of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

Subtitle F—Additional Improvements of Intelligence Activities

SEC. 1061. PERMANENT EXTENSION OF CENTRAL INTELLIGENCE AGENCY VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 2 of the Central Intelligence Agency Voluntary

Separation Pay Act (50 U.S.C. 403–4 note) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(b) TERMINATION OF FUNDS REMITTANCE REQUIREMENT.—(1) Section 2 of such Act (50 U.S.C. 403–4 note) is further amended by striking subsection (i).

(2) Section 4(a)(2)(B)(ii) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note) is amended by striking '', or section 2 of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103–36; 107 Stat. 104)''.

SEC. 1062. NATIONAL SECURITY AGENCY EMERGING TECHNOLOGIES PANEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 19. (a) There is established the National Security Agency Emerging Technologies Panel. The panel is a standing panel of the National Security Agency. The panel shall be appointed by, and shall report directly to, the Director.

''(b) The National Security Agency Emerging Technologies Panel shall study and assess, and periodically advise the Director on, the research, development, and application of existing and emerging science and technology advances, advances on encryption, and other topics.

''(c) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the National Security Agency Emerging Technologies Panel.''.

SEC. 1063. SERVICE AND NATIONAL LABORATORIES AND THE INTELLIGENCE COMMUNITY.

The National Intelligence Director, in cooperation with the Secretary of Defense and the Secretary of Energy, should seek to ensure that each service laboratory of the Department of Defense and each national laboratory of the Department of Energy may, acting through the relevant Secretary and in a manner consistent with the missions and commitments of the laboratory—

(1) assist the National Intelligence Director in all aspects of technical intelligence, including research, applied sciences, analysis, technology evaluation and assessment, and any other aspect that the relevant Secretary considers appropriate; and

(2) make available to the intelligence community, on a community-wide basis—

(A) the analysis and production services of the service and national laboratories, in a manner that maximizes the capacity and services of such laboratories; and

(B) the facilities and human resources of the service and national laboratories, in a manner that improves the technological capabilities of the intelligence community.

SEC. 1064. IMPROVEMENT IN TRANSLATION AND DELIVERY OF SUSPECTED TERRORIST COMMUNICATIONS.

(a) REQUIREMENT FOR PROMPT TRANSLATION AND TRANSMISSION.—The National Intelligence Director shall develop and transmit to the appropriate agencies guidelines to ensure that all suspected terrorist communications, including transmissions, are translated and delivered in a manner consistent with timelines contained in regulations of the Federal Bureau of Investigations to the extent practicable.

(b) PREVENTION OF DELETION OF TERRORIST COMMUNICATIONS.—The National Intelligence Director shall take such steps as are necessary to ensure that terrorist communications are not deleted or discarded before those communications are translated.

Subtitle G—Conforming and Other Amendments

SEC. 1071. 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).

(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)).

(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. 1072. 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 102A(g) of this Act''.

(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 102A(g) of the National Security Act of 1947''.

(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 102A(g) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(1)) 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 102A(g) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(1))''.

(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. 1073. 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 Office of the National Intelligence Director.

''(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. 1074. 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 by striking ''Foreign''.

(b) CONFORMING AMENDMENTS.—(1) Section 506(a) of the National Security Act of 1947 (50 U.S.C. 415a(a)) is amended by striking ''National Foreign Intelligence Program'' and inserting ''National Intelligence Program''.

(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 AMENDMENT.—The heading of section 506 of that Act is amended by striking ''FOREIGN''.

SEC. 1075. 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. 1076. 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. National Intelligence Director.

''Sec. 102A. Responsibilities and authorities of National Intelligence Director.

''Sec. 103. Office of the National Intelligence Director.

''Sec. 104. Central Intelligence Agency.

''Sec. 104A. Director of the Central Intelligence Agency.''; and

(2) 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

(3) 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. 1077. CONFORMING AMENDMENTS RELATING TO PROHIBITING DUAL SERVICE OF THE DIRECTOR OF THE 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''.

SEC. 1078. ACCESS TO INSPECTOR GENERAL PROTECTIONS.

Section 17(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(a)(1)) is amended by inserting before the semicolon at the end the following: ''and to programs and operations of the Office of the National Intelligence Director''.

SEC. 1079. 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.

SEC. 1080. APPLICATION OF OTHER LAWS.

(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 Office of the National Intelligence Director; 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 Office of the National Intelligence Director, 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 Office of the National Intelligence Director,'' before ''the Central Intelligence Agency''.

Subtitle H—Transfer, Termination, Transition and Other Provisions

SEC. 1091. 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 103(b) of the National Security Act of 1947, as amended by section 1011(a).

SEC. 1092. 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 119(i) of the National Security Act of 1947, as added by section 1021(a).

SEC. 1093. 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. 1094. IMPLEMENTATION PLAN.

(a) SUBMISSION OF PLAN.—The President shall transmit to Congress a plan for the implementation of this title and the amendments made by this title. The plan shall address, at a minimum, the following:

(1) The transfer of personnel, assets, and obligations to the National Intelligence Director pursuant to this title.

(2) Any consolidation, reorganization, or streamlining of activities transferred to the National Intelligence Director pursuant to this title.

(3) The establishment of offices within the Office of the National Intelligence Director to implement the duties and responsibilities of the National Intelligence Director as described in this title.

(4) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations to be transferred to the National Intelligence Director.

(5) Recommendations for additional legislative or administrative action as the Director considers appropriate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the permanent location for the headquarters for the Office of the National Intelligence Director, should be at a location other than the George Bush Center for Intelligence in Langley, Virginia.

SEC. 1095. TRANSITIONAL AUTHORITIES.

Upon the request of the National Intelligence Director, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to the National Intelligence Director.

SEC. 1096. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise expressly provided in this Act, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) SPECIFIC EFFECTIVE DATES.—(1)(A) Not later than 60 days after the date of the enactment of this Act, the National Intelligence Director shall first appoint individuals to positions within the Office of the National Intelligence Director.

(B) Subparagraph (A) shall not apply with respect to the Deputy National Intelligence Director.

(2) Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress the implementation plan required under section 1904.

(3) Not later than one year after the date of the enactment of this Act, the National Intelligence Director shall prescribe regulations, policies, procedures, standards, and guidelines required under section 102A of the National Security Act of 1947, as amended by section 1011(a).

Subtitle I—Other Matters

SEC. 1101. STUDY OF PROMOTION AND PROFESSIONAL MILITARY EDUCATION SCHOOL SELECTION RATES FOR MILITARY INTELLIGENCE OFFICERS.

(a) STUDY.—The Secretary of Defense shall conduct a study of the promotion selection rates, and the selection rates for attendance at professional military education schools, of intelligence officers of the Armed Forces, particularly in comparison to the rates for other officers of the same Armed Force who are in the same grade and competitive category.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing the Secretary's findings resulting from the study under subsection (a) and the Secretary's recommendations (if any) for such changes in law as the Secretary considers needed to ensure that intelligence officers, as a group, are selected for promotion, and for attendance at professional military education schools, at rates not less than the rates for all line (or the equivalent) officers of the same Armed Force (both in the zone and below the zone) in the same grade. The report shall be submitted not later than April 1, 2005.

TITLE II—TERRORISM PREVENTION AND PROSECUTION

Subtitle A—Individual Terrorists as Agents of Foreign Powers

SEC. 2001. INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) is amended by adding at the end the following new subparagraph:

''(C) engages in international terrorism or activities in preparation therefor; or''.

(b) SUNSET.—The amendment made by subsection (a) shall be subject to the sunset provision in section 224 of Public Law 107–56 (115 Stat. 295), including the exception provided in subsection (b) of such section 224.

Subtitle B—Stop Terrorist and Military Hoaxes Act of 2004

SEC. 2021. SHORT TITLE.

This subtitle may be cited as the ''Stop Terrorist and Military Hoaxes Act of 2004''.

SEC. 2022. HOAXES AND RECOVERY COSTS.

(a) PROHIBITION ON HOAXES.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1037 the following:

''§ 1038. False information and hoaxes

''(a) CRIMINAL VIOLATION.—

''(1) IN GENERAL.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49 shall—

''(A) be fined under this title or imprisoned not more than 5 years, or both;

''(B) if serious bodily injury results, be fined under this title or imprisoned not more than 25 years, or both; and

''(C) if death results, be fined under this title or imprisoned for any number of years up to life, or both.

''(2) ARMED FORCES.—Whoever, without lawful authority, makes a false statement, with intent to convey false or misleading information, about the death, injury, capture, or disappearance of a member of the Armed Forces of the United States during a war or armed conflict in which the United States is engaged, shall—

''(A) be fined under this title or imprisoned not more than 5 years, or both;

''(B) if serious bodily injury results, be fined under this title or imprisoned not more than 25 years, or both; and

''(C) if death results, be fined under this title or imprisoned for any number of years up to life, or both.

''(b) CIVIL ACTION.—Whoever knowingly engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of title 49 is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

''(c) REIMBURSEMENT.—

''(1) IN GENERAL.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse any state or local government, or private not-for-profit organization that provides fire or rescue service incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.

''(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

''(3) CIVIL JUDGMENT.—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.

''(d) ACTIVITIES OF LAW ENFORCEMENT.—This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or political subdivision of a State, or of an intelligence agency of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections as the beginning of chapter 47 of title 18, United States Code, is amended by adding after the item for section 1037 the following:

''1038. False information and hoaxes.''.

SEC. 2023. OBSTRUCTION OF JUSTICE AND FALSE STATEMENTS IN TERRORISM CASES.

(a) ENHANCED PENALTY.—Section 1001(a) and the third undesignated paragraph of section 1505 of title 18, United States Code, are amended by striking ''be fined under this title or imprisoned not more than 5 years, or both'' and inserting ''be fined under this title, imprisoned not more than 5 years or, if the matter relates to international or domestic terrorism (as defined in section 2331), imprisoned not more than 10 years, or both''.

(b) SENTENCING GUIDELINES.—Not later than 30 days of the enactment of this section, the United States Sentencing Commission shall amend the Sentencing Guidelines to provide for an increased offense level for an offense under sections 1001(a) and 1505 of title 18, United States Code, if the offense involves a matter relating to international or domestic terrorism, as defined in section 2331 of such title.

SEC. 2024. CLARIFICATION OF DEFINITION.

Section 1958 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''facility in'' and inserting ''facility of''; and

(2) in subsection (b)(2), by inserting ''or foreign'' after ''interstate''.

Subtitle C—Material Support to Terrorism Prohibition Enhancement Act of 2004

SEC. 2041. SHORT TITLE.

This subtitle may be cited as the ''Material Support to Terrorism Prohibition Enhancement Act of 2004''.

SEC. 2042. RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.

Chapter 113B of title 18, United States Code, is amended by adding after section 2339C the following new section:

''§ 2339D. Receiving military-type training from a foreign terrorist organization

''(a) OFFENSE.—Whoever knowingly receives military-type training from or on behalf of any organization designated at the time of the training by the Secretary of State under section 219(a)(1) of the Immigration and Nationality Act as a foreign terrorist organization shall be fined under this title or imprisoned for ten years, or both. To violate this subsection, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (c)(4)), that the organization has engaged or engages in terrorist activity (as defined in section 212 of the Immigration and Nationality Act), or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section. There is jurisdiction over an offense under subsection (a) if—

''(1) an offender is a national of the United States (as defined in 101(a)(22) of the Immigration and Nationality Act) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act);

''(2) an offender is a stateless person whose habitual residence is in the United States;

''(3) after the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States;

''(4) the offense occurs in whole or in part within the United States;

''(5) the offense occurs in or affects interstate or foreign commerce;

''(6) an offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).

''(c) DEFINITIONS.—As used in this section—

''(1) the term 'military-type training' includes training in means or methods that can cause death or serious bodily injury, destroy or damage property, or disrupt services to critical infrastructure, or training on the use, storage, production, or assembly of any explosive, firearm or other weapon, including any weapon of mass destruction (as defined in section 2232a(c)(2));

''(2) the term 'serious bodily injury' has the meaning given that term in section 1365(h)(3);

''(3) the term 'critical infrastructure' means systems and assets vital to national defense, national security, economic security, public health or safety including both regional and national infrastructure. Critical infrastructure may be publicly or privately owned; examples of critical infrastructure include gas and oil production, storage, or delivery systems, water supply systems, telecommunications networks, electrical power generation or delivery systems, financing and banking systems, emergency services (including medical, police, fire, and rescue services), and transportation systems and services (including highways, mass transit, airlines, and airports); and

''(4) the term 'foreign terrorist organization' means an organization designated as a terrorist organization under section 219(a)(1) of the Immigration and Nationality Act.''.

SEC. 2043. PROVIDING MATERIAL SUPPORT TO TERRORISM.

(a) ADDITIONS TO OFFENSE OF PROVIDING MATERIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by designating the first sentence as paragraph (1);

(2) by designating the second sentence as paragraph (3);

(3) by inserting after paragraph (1) as so designated by this subsection the following:

''(2) (A) Whoever in a circumstance described in subparagraph (B) provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for, or in carrying out, an act of international or domestic terrorism (as defined in section 2331), or in preparation for, or in carrying out, the concealment or escape from the commission of any such act, or attempts or conspires to do so, shall be punished as provided under paragraph (1) for an offense under that paragraph.

''(B) The circumstances referred to in subparagraph (A) are any of the following:

''(i) The offense occurs in or affects interstate or foreign commerce.

''(ii) The act of terrorism is an act of international or domestic terrorism that violates the criminal law of the United States.

''(iii) The act of terrorism is an act of domestic terrorism that appears to be intended to influence the policy, or affect the conduct, of the Government of the United States or a foreign government.

''(iv) An offender, acting within the United States or outside the territorial jurisdiction of the United States, is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act, an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act , or a stateless person whose habitual residence is in the United States, and the act of terrorism is an act of international terrorism that appears to be intended to influence the policy, or affect the conduct, of the Government of the United States or a foreign government.

''(v) An offender, acting within the United States, is an alien, and the act of terrorism is an act of international terrorism that appears to be intended to influence the policy, or affect the conduct, of the Government of the United States or a foreign government.

''(vi) An offender, acting outside the territorial jurisdiction of the United States, is an alien and the act of terrorism is an act of international terrorism that appears to be

intended to influence the policy of, or affect the conduct of, the Government of the United States.

''(vii) An offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under this paragraph or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under this paragraph.''; and

(4) by inserting ''act or'' after ''underlying''.

(b) DEFINITIONS.—Section 2339A(b) of title 18, United States Code, is amended—

(1) by striking ''In this'' and inserting ''(1) In this'';

(2) by inserting ''any property, tangible or intangible, or service, including'' after ''means'';

(3) by inserting ''(one or more individuals who may be or include oneself)'' after ''personnel'';

(4) by inserting ''and'' before ''transportation'';

(5) by striking ''and other physical assets''; and

(6) by adding at the end the following:

''(2) As used in this subsection, the term 'training' means instruction or teaching designed to impart a specific skill, as opposed to general knowledge, and the term 'expert advice or assistance' means advice or assistance derived from scientific, technical or other specialized knowledge.''.

(c) ADDITION TO OFFENSE OF PROVIDING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking '', within the United States or subject to the jurisdiction of the United States,'' and inserting ''in a circumstance described in paragraph (2)'' ; and

(2) by adding at the end the following: ''To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined in subsection (g)(6)), that the organization has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act, or that the organization has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989.''.

(d) FEDERAL AUTHORITY.—Section 2339B(d) of title 18 is amended—

(1) by inserting ''(1)'' before ''There''; and

(2) by adding at the end the following:

''(2) The circumstances referred to in paragraph (1) are any of the following:

''(A) An offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act.

''(B) An offender is a stateless person whose habitual residence is in the United States.

''(C) After the conduct required for the offense occurs an offender is brought into or found in the United States, even if the conduct required for the offense occurs outside the United States.

''(D) The offense occurs in whole or in part within the United States.

''(E) The offense occurs in or affects interstate or foreign commerce.

''(F) An offender aids or abets any person over whom jurisdiction exists under this paragraph in committing an offense under subsection (a) or conspires with any person over whom jurisdiction exists under this paragraph to commit an offense under subsection (a).''.

(e) DEFINITION.—Paragraph (4) of section 2339B(g) of title 18, United States Code, is amended to read as follows:

''(4) the term 'material support or resources' has the same meaning given that term in section 2339A;''.

(f) ADDITIONAL PROVISIONS.—Section 2339B of title 18, United States Code, is amended by adding at the end the following:

''(h) PROVISION OF PERSONNEL.—No person may be prosecuted under this section in connection with the term 'personnel' unless that person has knowingly provided, attempted to provide, or conspired to provide a foreign terrorist organization with one or more individuals (who may be or include himself) to work under that terrorist organization's direction or control or to organize, manage, supervise, or otherwise direct the operation of that organization. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objectives shall not be considered to be working under the foreign terrorist organization's direction and control.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.''.

SEC. 2044. FINANCING OF TERRORISM.

(a) FINANCING TERRORISM.—Section 2339c(c)(2) of title 18, United States Code, is amended—

(1) by striking '', resources, or funds'' and inserting ''or resources, or any funds or proceeds of such funds'';

(2) in subparagraph (A), by striking ''were provided'' and inserting ''are to be provided, or knowing that the support or resources were provided,''; and

(3) in subparagraph (B)—

(A) by striking ''or any proceeds of such funds''; and

(B) by striking ''were provided or collected'' and inserting ''are to be provided or collected, or knowing that the funds were provided or collected,''.

(b) DEFINITIONS.—Section 2339c(e) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (12);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

''(13) the term 'material support or resources' has the same meaning given that term in section 2339B(g)(4) of this title; and''.

Subtitle D—Weapons of Mass Destruction Prohibition Improvement Act of 2004

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the ''Weapons of Mass Destruction Prohibition Improvement Act of 2004''.

SEC. 2052. WEAPONS OF MASS DESTRUCTION.

(a) EXPANSION OF JURISDICTIONAL BASES AND SCOPE.—Section 2332a of title 18, United States Code, is amended—

(1) so that paragraph (2) of subsection (a) reads as follows:

''(2) against any person or property within the United States, and

''(A) the mail or any facility of interstate or foreign commerce is used in furtherance of the offense;

''(B) such property is used in interstate or foreign commerce or in an activity that affects interstate or foreign commerce;

''(C) any perpetrator travels in or causes another to travel in interstate or foreign commerce in furtherance of the offense; or

''(D) the offense, or the results of the offense, affect interstate or foreign commerce, or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce;'';

(2) in paragraph (3) of subsection (a), by striking the comma at the end and inserting ''; or'';

(3) in subsection (a), by adding the following at the end:

''(4) against any property within the United States that is owned, leased, or used by a foreign government,'';

(4) at the end of subsection (c)(1), by striking''and'';

(5) in subsection (c)(2), by striking the period at the end and inserting ''; and''; and

(6) in subsection (c), by adding at the end the following:

''(3) the term 'property' includes all real and personal property.''.

(b) RESTORATION OF THE COVERAGE OF CHEMICAL WEAPONS.—Section 2332a of title 18, United States Code, as amended by subsection (a), is further amended—

(1) in the section heading, by striking ''certain'';

(2) in subsection (a), by striking ''(other than a chemical weapon as that term is defined in section 229F)''; and

(3) in subsection (b), by striking ''(other than a chemical weapon (as that term is defined in section 229F))''.

(c) EXPANSION OF CATEGORIES OF RESTRICTED PERSONS SUBJECT TO PROHIBITIONS RELATING TO SELECT AGENTS.—Section 175b(d)(2) of title 18, United States Code, is amended—

(1) in subparagraph (G) by—

(A) inserting ''(i)'' after ''(G)'';

(B) inserting '', or (ii) acts for or on behalf of, or operates subject to the direction or control of, a government or official of a country described in this subparagraph'' after ''terrorism''; and

(C) striking ''or'' after the semicolon.

(2) in subparagraph (H) by striking the period and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(I) is a member of, acts for or on behalf of, or operates subject to the direction or control of, a terrorist organization as defined in section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)).''.

(d) CONFORMING AMENDMENT TO REGULATIONS.—

(1) Section 175b(a)(1) of title 18, United States Code, is amended by striking ''as a select agent in Appendix A'' and all that follows and inserting the following: ''as a nonoverlap or overlap select biological agent or toxin in sections 73.4 and 73.5 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act, and is not excluded under sections 73.4 and 73.5 or exempted under section 73.6 of title 42, Code of Federal Regulations.''.

(2) The amendment made by paragraph (1) shall take effect at the same time that sections 73.4, 73.5, and 73.6 of title 42, Code of Federal Regulations, become effective.

(e) ENHANCING PROSECUTION OF WEAPONS OF MASS DESTRUCTION OFFENSES.—Section 1961(1)(B) of title 18, United States Code, is amended by adding at the end the following: ''sections 175–178 (relating to biological weapons), sections 229–229F (relating to chemical weapons), section 831 (relating to nuclear materials),''.

SEC. 2053. PARTICIPATION IN NUCLEAR AND WEAPONS OF MASS DESTRUCTION THREATS TO THE UNITED STATES.

(a) Section 57(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)) is amended by striking ''in the production of any special nuclear material'' and inserting ''or participate in the development or production of any special nuclear material or atomic weapon''.

(b) Title 18, United States Code, is amended—

(1) in the table of sections at the beginning of chapter 39, by inserting after the item relating to section 831 the following:

''832. Participation in nuclear and weapons of mass destruction threats to the United States.'';

(2) by inserting after section 831 the following:

''§ 832. Participation in nuclear and weapons of mass destruction threats to the United States

''(a) Whoever, within the United States or subject to the jurisdiction of the United States, willfully participates in or provides material support or resources (as defined in section 2339A) to a nuclear weapons program or other weapons of mass destruction program of a foreign terrorist power, or attempts or conspires to do so, shall be imprisoned for not more than 20 years.

''(b) There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) Whoever without lawful authority develops, possesses, or attempts or conspires to develop or possess a radiological weapon, or threatens to use or uses a radiological weapon against any person within the United States, or a national of the United States while such national is outside the United States or against any property that is owned, leased, funded or used by the United States, whether that property is within or outside the United States, shall be imprisoned for any term of years or for life, and if death results, shall be punished by death or imprisoned for any term of years or for life.

''(d) As used in this section—

''(1) 'nuclear weapons program' means a program or plan for the development, acquisition, or production of any nuclear weapon or weapons;

''(2) 'weapons of mass destruction program' means a program or plan for the development, acquisition, or production of any weapon or weapons of mass destruction (as defined in section 2332a(c));

''(3) 'foreign terrorist power' means a terrorist organization designated under section 219 of the Immigration and Nationality Act, or a state sponsor of terrorism designated under section 6(j) of the Export Administration Act of 1979 or section 620A of the Foreign Assistance Act of 1961; and

''(4) 'nuclear weapon' means any weapon that contains or uses nuclear material as defined in section 831(f)(1).''; and

(3) in section 2332b(g)(5)(B)(i), by inserting after ''nuclear materials),'' the following: ''832 (relating to participation in nuclear and weapons of mass destruction threats to the United States)''.

Subtitle E—Money Laundering and Terrorist Financing

CHAPTER 1—FUNDING TO COMBAT FINANCIAL CRIMES INCLUDING TERRORIST FINANCING

SEC. 2101. ADDITIONAL AUTHORIZATION FOR FINCEN.

Subsection (d) of section 310 of title 31, United States Code, is amended——

(1) by striking ''APPROPRIATIONS.—There are authorized'' and inserting ''APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized'';

and

(2) by adding at the end the following new paragraph:

''(2) AUTHORIZATION FOR FUNDING KEY TECHNOLOGICAL IMPROVEMENTS IN MISSION-CRITICAL FINCEN SYSTEMS.—There are authorized to be appropriated for fiscal year 2005 the following amounts, which are authorized to remain available until expended:

''(A) BSA DIRECT.—For technological improvements to provide authorized law enforcement and financial regulatory agencies with Web-based access to FinCEN data, to fully develop and implement the highly secure network required under section 362 of Public Law 107–56 to expedite the filing of, and reduce the filing costs for, financial institution reports, including suspicious activity reports, collected by FinCEN under chapter 53 and related provisions of law, and enable FinCEN to immediately alert financial institutions about suspicious activities that warrant immediate and enhanced scrutiny, and to provide and upgrade advanced information-sharing technologies to materially improve the Government's ability to exploit the information in the FinCEN databanks, $16,500,000.

''(B) ADVANCED ANALYTICAL TECHNOLOGIES.—To provide advanced analytical tools needed to ensure that the data collected by FinCEN under chapter 53 and related provisions of law are utilized fully and appropriately in safeguarding financial institutions and supporting the war on terrorism, $5,000,000.

''(C) DATA NETWORKING MODERNIZATION.—To improve the telecommunications infrastructure to support the improved capabilities of the FinCEN systems, $3,000,000.

''(D) ENHANCED COMPLIANCE CAPABILITY.—To improve the effectiveness of the Office of Compliance in FinCEN, $3,000,000.

''(E) DETECTION AND PREVENTION OF FINANCIAL CRIMES AND TERRORISM.—To provide development of, and training in the use of, technology to detect and prevent financial crimes and terrorism within and without the United States, $8,000,000.''.

SEC. 2102. MONEY LAUNDERING AND FINANCIAL CRIMES STRATEGY REAUTHORIZATION.

(a) PROGRAM.—Section 5341(a)(2) of title 31, United States Code, is amended by striking ''and 2003,'' and inserting ''2003, and 2005,''.

(b) REAUTHORIZATION OF APPROPRIATIONS.—Section 5355 of title 31, United States Code, is amended by adding at the end the following:

''2004 ..... $15,000,000.
''2005 ..... $15,000,000.''.

CHAPTER 2—ENFORCEMENT TOOLS TO COMBAT FINANCIAL CRIMES INCLUDING TERRORIST FINANCING

Subchapter A—Money laundering abatement and financial antiterrorism technical corrections

SEC. 2111. SHORT TITLE.

This subchapter may be cited as the ''Money Laundering Abatement and Financial Antiterrorism Technical Corrections Act of 2004''.

SEC. 2112. TECHNICAL CORRECTIONS TO PUBLIC LAW 107–56.

(a) The heading of title III of Public Law 107–56 is amended to read as follows:

''TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM ACT OF 2001''.

(b) The table of contents of Public Law 107–56 is amended by striking the item relating to title III and inserting the following new item:

''TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND FINANCIAL ANTITERRORISM ACT OF 2001''.

(c) Section 302 of Public Law 107–56 is amended—

(1) in subsection (a)(4), by striking the comma after ''movement of criminal funds'';

(2) in subsection (b)(7), by inserting ''or types of accounts'' after ''classes of international transactions''; and

(3) in subsection (b)(10), by striking ''subchapters II and III'' and inserting ''subchapter II''.

(d) Section 303(a) of Public Law 107–56 is amended by striking ''Anti-Terrorist Financing Act'' and inserting ''Financial Antiterrorism Act''.

(e) The heading for section 311 of Public Law 107–56 is amended by striking ''or international transactions'' and inserting ''international transactions, or types of accounts''.

(f) Section 314 of Public Law 107–56 is amended—

(1) in paragraph (1)—

(A) by inserting a comma after ''organizations engaged in''; and

(B) by inserting a comma after ''credible evidence of engaging in'';

(2) in paragraph (2)(A)—

(A) by striking ''and'' after ''nongovernmental organizations,''; and

(B) by inserting a comma after ''unwittingly involved in such finances'';

(3) in paragraph (3)(A)—

(A) by striking ''to monitor accounts of'' and inserting ''monitor accounts of,''; and

(B) by striking the comma after ''organizations identified''; and

(4) in paragraph (3)(B), by inserting ''financial'' after ''size, and nature of the''.

(g) Section 321 of Public Law 107–56 is amended by striking ''5312(2)'' and inserting ''5312(a)(2)''.

(h) Section 325 of Public Law 107–56 is amended by striking ''as amended by section 202 of this title,'' and inserting ''as amended by section 352,''.

(i) Subsections (a)(2) and (b)(2) of section 327 of Public Law 107–56 are each amended by inserting a period after ''December 31, 2001'' and striking all that follows through the period at the end of each such subsection.

(j) Section 356(c)(4) of Public Law 107–56 is amended by striking ''or business or other grantor trust'' and inserting '', business trust, or other grantor trust''.

(k) Section 358(e) of Public Law 107–56 is amended—

(1) by striking ''Section 123(a)'' and inserting ''That portion of section 123(a)'';

(2) by striking ''is amended to read'' and inserting ''that precedes paragraph (1) of such section is amended to read''; and

(3) by striking ''.'' at the end of such section and inserting ''—'' ''.

(l) Section 360 of Public Law 107–56 is amended—

(1) in subsection (a), by inserting ''the'' after ''utilization of the funds of''; and

(2) in subsection (b), by striking ''at such institutions'' and inserting ''at such institution''.

(m) Section 362(a)(1) of Public Law 107–56 is amended by striking ''subchapter II or III'' and inserting ''subchapter II''.

(n) Section 365 of Public Law 107—56 is amended —

(1) by redesignating the 2nd of the 2 subsections designated as subsection (c) (relating to a clerical amendment) as subsection (d); and

(2) by redesignating subsection (f) as subsection (e).

(o) Section 365(d) of Public Law 107–56 (as so redesignated by subsection (n) of this section) is amended by striking ''section 5332 (as added by section 112 of this title)'' and inserting ''section 5330''.

SEC. 2113. TECHNICAL CORRECTIONS TO OTHER PROVISIONS OF LAW.

(a) Section 310(c) of title 31, United States Code, is amended by striking ''the Network'' each place such term appears and inserting ''FinCEN''.

(b) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking ''sections 5333 and 5316'' and inserting ''sections 5316 and 5331''.

(c) Section 5318(i) of title 31, United States Code, is amended—

(1) in paragraph (3)(B), by inserting a comma after ''foreign political figure'' the 2nd place such term appears; and

(2) in the heading of paragraph (4), by striking ''DEFINITION'' and inserting ''DEFINITIONS''.

(d) Section 5318(k)(1)(B) of title 31, United States Code, is amended by striking ''section 5318A(f)(1)(B)'' and inserting ''section 5318A(e)(1)(B)''.

(e) The heading for section 5318A of title 31, United States Code, is amended to read as follows:

''§ 5318A. Special measures for jurisdictions, financial institutions, international transactions, or types of accounts of primary money laundering concern''.

(f) Section 5318A of title 31, United States Code, is amended—

(1) in subsection (a)(4)(A), by striking '', as defined in section 3 of the Federal Deposit Insurance Act,'' and inserting '' (as defined in section 3 of the Federal Deposit Insurance Act)'';

(2) in subsection (a)(4)(B)(iii), by striking ''or class of transactions'' and inserting ''class of transactions, or type of account'';

(3) in subsection (b)(1)(A), by striking ''or class of transactions to be'' and inserting ''class of transactions, or type of account to be''; and

(4) in subsection (e)(3), by inserting ''or subsection (i) or (j) of section 5318'' after ''identification of individuals under this section''.

(g) Section 5324(b) of title 31, United States Code, is amended by striking ''5333'' each place such term appears and inserting ''5331''.

(h) Section 5332 of title 31, United States Code, is amended—

(1) in subsection (b)(2), by striking '', subject to subsection (d) of this section''; and

(2) in subsection (c)(1), by striking '', subject to subsection (d) of this section,''.

(i) The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by striking the item relating to section 5318A and inserting the following new item:

''5318A. Special measures for jurisdictions, financial institutions, international transactions, or types of accounts of primary money laundering concern.''.

(j) Section 18(w)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1828(w)(3)) is amended by inserting a comma after ''agent of such institution''.

(k) Section 21(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)(2)) is amended by striking ''recognizes that'' and inserting ''recognizing that''.

(l) Section 626(e) of the Fair Credit Reporting Act (15 U.S.C. 1681v(e)) is amended by striking ''governmental agency'' and inserting ''government agency''.

SEC. 2114. REPEAL OF REVIEW.

Title III of Public Law 107–56 is amended by striking section 303 (31 U.S.C. 5311 note).

SEC. 2115. EFFECTIVE DATE.

The amendments made by this subchapter to Public Law 107–56, the United States Code, the Federal Deposit Insurance Act, and any other provision of law shall take effect as if such amendments had been included in Public Law 107–56, as of the date of the enactment of such Public Law, and no amendment made by such Public Law that is inconsistent with an amendment made by this subchapter shall be deemed to have taken effect.

Subchapter B—Additional enforcement tools

SEC. 2121. BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING.

(a) PRODUCTION OF DOCUMENTS.—Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking ''(a) The Secretary of the Treasury'' and inserting:

''(a) AUTHORITY TO ENGRAVE AND PRINT.—

''(1) IN GENERAL.—The Secretary of the Treasury''; and

(2) by adding at the end the following new paragraphs:

''(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may produce currency, postage stamps, and other security documents for foreign governments if—

''(A) the Secretary of the Treasury determines that such production will not interfere with engraving and printing needs of the United States; and

''(B) the Secretary of State determines that such production would be consistent with the foreign policy of the United States.

''(3) PROCUREMENT GUIDELINES.—Articles, material, and supplies procured for use in the production of currency, postage stamps, and other security documents for foreign governments pursuant to paragraph (2) shall be treated in the same manner as articles, material, and supplies procured for public use within the United States for purposes of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; commonly referred to as the Buy American Act).''.

(b) REIMBURSEMENT.—Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting ''or to a foreign government under section 5114'' after ''agency'';

(2) in the second sentence, by inserting ''and other'' after ''including administrative''; and

(3) in the last sentence, by inserting '', and the Secretary shall take such action, in coordination with the Secretary of State, as may be appropriate to ensure prompt payment by a foreign government of any invoice or statement of account submitted by the Secretary with respect to services rendered under section 5114'' before the period at the end.

SEC. 2122. CONDUCT IN AID OF COUNTERFEITING.

(a) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever has in his control, custody, or possession any plate'' the following:

'' Whoever, with intent to defraud, has in his custody, control, or possession any material that can be used to make, alter, forge or counterfeit any obligations and other securities of the United States or any part of such securities and obligations, except under the authority of the Secretary of the Treasury; or''.

(b) FOREIGN OBLIGATIONS AND SECURITIES.—Section 481 of title 18, United States Code, is amended by inserting after the paragraph beginning ''Whoever, with intent to defraud'' the following:

'' Whoever, with intent to defraud, has in his custody, control, or possession any material that can be used to make, alter, forge or counterfeit any obligation or other security of any foreign government, bank or corporation; or''.

(c) COUNTERFEIT ACTS.—Section 470 of title 18, United States Code, is amended by striking ''or 474'' and inserting ''474, or 474A''.

(d) MATERIALS USED IN COUNTERFEITING.—Section 474A(b) of title 18, United States Code, is amended by striking ''any essentially identical'' and inserting ''any thing or material made after or in the similitude of any''.

SEC. 2123. REPORTING OF CROSS-BORDER TRANSMITTAL OF FUNDS.

Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(n) REPORTING OF CROSS-BORDER TRANSMITTAL OF FUNDS.—

''(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall prescribe regulations requiring such financial institutions as the Secretary determines to be appropriate to report to the Financial Crimes Enforcement Network certain cross-border electronic transmittals of funds relevant to efforts of the Secretary against money laundering and terrorist financing.

''(2) FORM AND MANNER OF REPORTS.—In prescribing the regulations required under paragraph (1), the Secretary shall determine the appropriate form, manner, content and frequency of filing of the required reports.

''(3) FEASIBILITY REPORT.—Before prescribing the regulations required under paragraph (1), and as soon as is practicable after the date of enactment of the 9/11 Recommendations Implementation Act, the Secretary shall delegate to the Bank Secrecy Act Advisory Group established by the Secretary the task of producing a report for the Secretary and the Congress that—

''(A) identifies the information in cross-border electronic transmittals of funds that is relevant to efforts against money laundering and terrorist financing;

''(B) makes recommendations regarding the appropriate form, manner, content and frequency of filing of the required reports; and

''(C) identifies the technology necessary for the Financial Crimes Enforcement Network to receive, keep, exploit and disseminate information from reports of cross-border electronic transmittals of funds to law enforcement and other entities engaged in efforts against money laundering and terrorist financing.

The report shall be submitted to the Secretary and the Congress no later than the end of the 1-year period beginning on the date of enactment of such Act.

''(4) REGULATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the regulations required by paragraph (1) shall be prescribed in final form by the Secretary, in consultation with the Board of Governors of the Federal Reserve System, before the end of the 3-year period beginning on the date of the enactment of the 9/11 Recommendations Implementation Act.

''(B) TECHNOLOGICAL FEASIBILITY.—No regulations shall be prescribed under this subsection before the Secretary certifies to the Congress that the Financial Crimes Enforcement Network has the technological systems in place to effectively and efficiently receive, keep, exploit, and disseminate information from reports of cross-border electronic transmittals of funds to law enforcement and other entities engaged in efforts against money laundering and terrorist financing.

''(5) RECORDKEEPING.—No financial institution required to submit reports on certain cross-border electronic transmittals of funds to the Financial Crimes Enforcement Network under this subsection shall be subject to the recordkeeping requirement under section 21(b)(3) of the Federal Deposit Insurance Act with respect to such transmittals of funds.''.

SEC. 2124. ENHANCED EFFECTIVENESS OF EXAMINATIONS, INCLUDING ANTI-MONEY LAUNDERING PROGRAMS.

(a) DEPOSITORY INSTITUTIONS AND DEPOSITORY INSTITUTION HOLDING COMPANIES.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following new subsection:

''(k) POST-EMPLOYMENT LIMITATIONS ON LEADING BANK EXAMINERS.—

''(1) IN GENERAL.—In the case of any person who—

''(A) was an officer or employee (including any special Government employee) of a Federal banking agency or a Federal reserve bank; and

''(B) served 2 or more months during the final 18 months of such person's employment with such agency or entity as the examiner-in-charge (or a functionally equivalent position) of a depository institution or depository institution holding company with dedicated, overall, continuous, and ongoing responsibility for the examination (or inspection) and supervision of that depository institution or depository institution holding company,

such person may not hold any office, position, or employment at any such depository institution or depository institution holding company, become a controlling shareholder in, a consultant for, a joint-venture partner with, or an independent contractor for (including as attorney, appraiser, or accountant) any such depository institution or holding company, or any other company that controls such depository institution, or otherwise participate in the conduct of the affairs of any such depository institution or holding company, during the 1-year period beginning on the date such person ceases to be an officer or employee (including any special Government employee) of the Federal banking agency or Federal reserve bank.

''(2) VIOLATORS SUBJECT TO INDUSTRY-WIDE PROHIBITION ORDERS.—

''(A) IN GENERAL.—In addition to any other penalty which may apply, whenever a Federal banking agency determines that a person subject to paragraph (1) has violated the prohibition in such paragraph by becoming associated with any insured depository institution, depository institution holding company, or other company for which such agency serves as the appropriate Federal banking agency, the agency shall serve a written notice or order, in accordance with and subject to the provisions of section 8(e)(4) for written notices or orders under paragraphs (1) or (2) of section 8(e), upon such person of the agency's intention to—

''(i) remove such person from office in any capacity described in paragraph (1) for a period of 5 years; and

''(ii) prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured depository institution, depository institution holding company, or other company that controls an insured depository institution for a period of 5 years.

''(B) SCOPE OF PROHIBITION ORDER.—Any person subject to an order issued under this subsection shall be subject to paragraphs (6) and (7) of section 8(e) in the same manner and to the same extent as a person subject to an order issued under such section and subsections (i) and (j) of section 8 and any other provision of this Act applicable to orders issued under subsection (e) shall apply with respect to such order.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Federal banking agencies shall prescribe regulations to implement this subsection, to determine which persons are referred to in paragraph (1)(B) taking into account—

''(i) the manner in which examiners and other persons who participate in the regulation, examination, or monitoring of depository institutions or depository institution holding companies are distributed among such institutions or companies by such agency, including the number of examiners and other persons assigned to each institution or holding company, the depth and structure of any group so assigned within such distribution, and the factors giving rise to that distribution;

''(ii) the number of institutions or companies each such examiner or other person is so involved with in any given period of assignment;

''(iii) the period of time for which each such examiner or other person is assigned to an institution or company, or a group of institutions or companies, before reassignment;

''(iv) the size of the institutions or holding companies for which each such person is responsible and the amount of time devoted to each such institution or holding company during each examination period; and

''(v) such other factors as the agency determines to be appropriate.

''(B) DETERMINATION OF APPLICABILITY.—The regulations prescribed or orders issued under this subparagraph by an appropriate Federal banking agency shall include a process, initiated by application or otherwise, for determining whether any person who ceases to be, or intends to cease to be, an examiner of insured depository institutions or depository institution holding companies for or on behalf of such agency is subject to the limitations of this subsection with respect to any particular insured depository institution or depository institution holding company.

''(C) CONSULTATION.—The Federal banking agencies shall consult with each other for the purpose of assuring that the rules and regulations issued by the agencies under subparagraph (A) are, to the extent possible, consistent, comparable, and practicable, taking into account any differences in the supervisory programs utilized by the agencies for the supervision of depository institutions and depository institution holding companies.

''(4) WAIVER.—A Federal banking agency may waive, on a case-by-case basis, the restrictions imposed by this subsection if—

''(A) the head of the agency certifies in writing that the grant of such waiver would not be inconsistent with the public interest; and

''(B) the waiver is provided in advance before the person becomes affiliated in any way with the depository institution, depository institution holding company, or other company.

''(5) DEFINITIONS AND RULES OF CONSTRUCTION.—For purposes of this subsection, the following definitions and rules shall apply:

''(A) DEPOSITORY INSTITUTION.—The term 'depository institution' includes an uninsured branch or agency of a foreign bank if such branch or agency is located in any State.

''(B) DEPOSITORY INSTITUTION HOLDING COMPANY.—The term 'depository institution holding company' includes any foreign bank or company described in section 8(a) of the International Banking Act of 1978.

''(C) HEAD OF THE AGENCY.—The term 'the head of the agency' means—

''(i) the Comptroller of the Currency, in the case of the Office of the Comptroller of the Currency;

''(ii) the Chairman of the Board of Governors of the Federal Reserve System, in the case of the Board of Governors of the Federal Reserve System;

''(iii) the Chairperson of the Board of Directors, in the case of the Federal Deposit Insurance Corporation; and

''(iv) the Director, in the case of the Office of Thrift Supervision.

''(D) RULE OF CONSTRUCTION FOR CONSULTANTS AND INDEPENDENT CONTRACTORS.—A person shall be deemed to act as a consultant or independent contractor (including as an attorney, appraiser, or accountant) for a depository institution, depository holding company, or other company only if such person directly works on matters for, or on behalf of, such depository institution, depository holding company, or other company.

''(E) APPROPRIATE AGENCY FOR CERTAIN OTHER COMPANIES.—The term 'appropriate Federal banking agency' means, with respect to a company that is not a depository institution or depository institution holding company, the Federal banking agency on whose behalf the person described in paragraph (1) performed the functions described in paragraph (1)(B), as implemented by regulations prescribed under paragraph (3).''.

(b) CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(w) POST-EMPLOYMENT LIMITATIONS ON EXAMINERS.—

''(1) REGULATIONS REQUIRED.—The Board shall consult with the Federal banking agencies and prescribe regulations imposing the same limitations on persons employed by or on behalf of the Board as leading examiners of, or functionally equivalent positions with respect to, credit unions as are applicable under section 10(k) of the Federal Deposit Insurance Act, taking into account all the requirements and factors described in paragraphs (3) and (4) of such section.

''(2) ENFORCEMENT.—The Board shall issue orders under subsection (g) with respect to any person who violates any regulation prescribed pursuant to paragraph (1) to—

''(A) remove such person from office in any capacity with respect to a credit union; and

''(B) prohibit any further participation by such person, in any manner, in the conduct of the affairs of any credit union for a period of 5 years.

''(3) SCOPE OF PROHIBITION ORDER.—Any person subject to an order issued under this subsection shall be subject to paragraphs (5) and (7) of subsection (g) in the same manner and to the same extent as a person subject to an order issued under such subsection and subsection (l) and any other provision of this Act applicable to orders issued under subsection (g) shall apply with respect to such order.''.

(c) STUDY OF EXAMINER HIRING AND RETENTION.—

(1) STUDY REQUIRED.—The Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Board of Governors of the Federal Reserve System, and the National Credit Union Administration Board, acting through the Financial Institutions Examination Council, shall conduct a study of efforts and proposals for—

(A) retaining the services of experienced and highly qualified examiners and supervisors already employed by such agencies; and

(B) continuing to attract such examiners and supervisors on an-ongoing basis to the extent necessary to fulfill the agencies' obligations to maintain the safety and soundness of the Nation's depository institutions.

(2) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the agencies conducting the study under paragraph (1) shall submit a report containing the findings and conclusions of such agencies with respect to such study, together with such recommendations for administrative or legislative changes as the agencies determine to be appropriate.

Subtitle F—Criminal History Background Checks

SEC. 2141. SHORT TITLE.

This subtitle may be cited as the ''Criminal History Access Means Protection of Infrastructures and Our Nation Act''.

SEC. 2142. CRIMINAL HISTORY BACKGROUND CHECKS.

(a) IN GENERAL.—Section 534 of title 28, United States Code, is amended by adding at the end the following:

''(f)(1) Under rules prescribed by the Attorney General, the Attorney General shall, within 60 days after the date of enactment, initiate a 180-day pilot program to establish and maintain a system for providing to an employer criminal history information that—

''(A) is in the possession of the Attorney General; and

''(B) is requested by an employer as part of an employee criminal history investigation that has been authorized by the State where the employee works or where the employer has their principal place of business;

in order to ensure that a prospective employee is suitable for certain employment positions.

''(2) The Attorney General shall require that an employer seeking criminal history information of an employee request such information and submit fingerprints or other biometric identifiers as approved by the Attorney General to provide a positive and reliable identification of such prospective employee.

''(3) The Director of the Federal Bureau of Investigation may require an employer to pay a reasonable fee for such information.

''(4) Upon receipt of fingerprints or other biometric identifiers, the Attorney General shall conduct an Integrated Fingerprint Identification System of the Federal Bureau of Investigation (IAFIS) check and provide the results of such check to the requester.

''(5) As used in this subsection,

''(A) the term 'criminal history information' and 'criminal history records' includes——

''(i) an identifying description of the individual to whom it pertains;

''(ii) notations of arrests, detentions, indictments, or other formal criminal charges pertaining to such individual; and

''(iii) any disposition to a notation revealed in subparagraph (B), including acquittal, sentencing, correctional supervision, or release.

''(B) the term 'Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation (IAFIS)' means the national depository for fingerprint, biometric, and criminal history information, through which fingerprints are processed electronically.

''(6) Nothing in this subsection shall preclude the Attorney General from authorizing or requiring criminal history record checks on individuals employed or seeking employment in positions vital to the Nation's critical infrastructure or key resources as those terms are defined in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e)) and section 2(9) of the Homeland Security Act of 2002 (6 U.S.C. 101(9)), if pursuant to a law or executive order.''.

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 60 days after the conclusion of the pilot program, the Attorney General shall report to the appropriate committees of Congress regarding all statutory requirements for criminal history record checks that are required to be conducted by the Department of Justice or any of its components.

(2) IDENTIFICATION OF INFORMATION.—The Attorney General shall identify the number of records requested, including the type of information requested, usage of different terms and definitions regarding criminal history information, and the variation in fees charged for such information and who pays such fees.

(3) RECOMMENDATIONS.—The Attorney General shall make recommendations for consolidating the existing procedures into a unified procedure consistent with that provided in section 534(f) of title 28, United States Code, as amended by this subtitle. In making the recommendations to Congress, the Attorney General shall consider—

(A) the effectiveness of utilizing commercially available databases as a supplement to IAFIS criminal history information checks;

(B) the effectiveness of utilizing State databases as a supplement to IAFIS criminal history information checks;

(C) any feasibility studies by the Department of Justice of the FBI's resources and structure to establish a system to provide criminal history information; and

(D) privacy rights and other employee protections to include employee consent, access to the records used if employment was denied, an appeal mechanism, and penalties for misuse of the information.

SEC. 2143. PROTECT ACT.

Public law 108–21 is amended—

(1) in section 108(a)(2)(A) by striking ''an 18 month'' and inserting ''a 30-month''; and

(2) in section 108(a)(3)(A) by striking ''an 18-month'' and inserting ''a 30-month''.

SEC. 2144. REVIEWS OF CRIMINAL RECORDS OF APPLICANTS FOR PRIVATE SECURITY OFFICER EMPLOYMENT.

(a) SHORT TITLE.—This section may be cited as the ''Private Security Officer Employment Authorization Act of 2004''.

(b) FINDINGS.—Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screen and trained.

(c) DEFINITIONS.—In this Act:

(1) EMPLOYEE.—The term ''employee'' includes both a current employee and an applicant for employment as a private security officer.

(2) AUTHORIZED EMPLOYER.—The term ''authorized employer'' means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) PRIVATE SECURITY OFFICER.—The term ''private security officer''—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this Act if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) SECURITY SERVICES.—The term ''security services'' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) STATE IDENTIFICATION BUREAU.—The term ''State identification bureau'' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

(d) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

(1) IN GENERAL.—

(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(B) EMPLOYEE RIGHTS.—

(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this Act.

(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(D) USE OF INFORMATION.—

(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

(ii) TERMS.—In the case of—

(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(aa) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the

person of another if the conviction occurred during the previous 10 years; or

(bb) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping;

(B) standards for qualification as an authorized employer; and

(C) the imposition of reasonable fees necessary for conducting the background checks.

(3) CRIMINAL PENALTIES FOR USE OF INFORMATION.—Whoever knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(4) USER FEES.—

(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

(i) collect fees to process background checks provided for by this Act; and

(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(B) LIMITATIONS.—Any fee collected under this subsection—

(i) shall, consistent with Public Law 101–515 and Public Law 104–99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

(ii) shall be available for expenditure only to pay the costs of such activities and services; and

(iii) shall remain available until expended.

(C) STATE COSTS.—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

SEC. 2145. TASK FORCE ON CLEARINGHOUSE FOR IAFIS CRIMINAL HISTORY RECORDS.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall establish a task force to examine the establishment of a national clearinghouse to process IAFIS criminal history record requests received directly from employers providing private security guard services with respect to critical infrastructure (as defined in section 1016(e) of Public Law 107–56 (42 U.S.C. 5195c(e))) and other private security guard services. Members of this task force shall include representatives of the Department of Justice and the Federal Bureau of Investigation, in consultation with representatives of the security guard industry. Not later than 90 days after the establishment of the task force, the Attorney General shall submit to Congress a report outlining how the national clearinghouse shall be established, and specifying a date certain (within one year of the enactment of this Act) by which the national clearinghouse will begin operations.

SEC. 2146. CLARIFICATION OF PURPOSE.

The clearinghouse described in section 2145 shall only process criminal history record requests pertaining to employees or prospective employees of the private security guard service making the request pursuant to that section.

Subtitle G—Protection of United States Aviation System From Terrorist Attacks

SEC. 2171. PROVISION FOR THE USE OF BIOMETRIC OR OTHER TECHNOLOGY.

(a) USE OF BIOMETRIC TECHNOLOGY.—Section 44903(h) of title 49, United States Code, is amended—

(1) in paragraph (4)(E) by striking ''may provide for'' and inserting ''shall issue, not later than 120 days after the date of enactment of paragraph (5), guidance for''; and

(2) by adding at the end the following:

''(5) USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—In issuing guidance under paragraph (4)(E), the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with the Attorney General, representatives of the aviation industry, the biometrics industry, and the National Institute of Standards and Technology, shall establish, at a minimum—

''(A) comprehensive technical and operational system requirements and performance standards for the use of biometrics in airport access control systems (including airport perimeter access control systems) to ensure that the biometric systems are effective, reliable, and secure;

''(B) a list of products and vendors that meet such requirements and standards;

''(C) procedures for implementing biometric systems—

''(i) to ensure that individuals do not use an assumed identity to enroll in a biometric system; and

''(ii) to resolve failures to enroll, false matches, and false non-matches; and

''(D) best practices for incorporating biometric technology into airport access control systems in the most effective manner, including a process to best utilize existing airport access control systems, facilities, and equipment and existing data networks connecting airports.

''(6) USE OF BIOMETRIC TECHNOLOGY FOR LAW ENFORCEMENT OFFICER TRAVEL.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of this paragraph, the Assistant Secretary in consultation with the Attorney General shall—

''(i) establish a law enforcement officer travel credential that incorporates biometrics and is uniform across all Federal, State, and local government law enforcement agencies;

''(ii) establish a process by which the travel credential will be used to verify the identity of a Federal, State, or local government law enforcement officer seeking to carry a weapon on board an aircraft, without unnecessarily disclosing to the public that the individual is a law enforcement officer;

''(iii) establish procedures—

''(I) to ensure that only Federal, State, and local government law enforcement officers are issued the travel credential;

''(II) to resolve failures to enroll, false matches, and false non-matches relating to use of the travel credential; and

''(III) to invalidate any travel credential that is lost, stolen, or no longer authorized for use;

''(iv) begin issuance of the travel credential to each Federal, State, and local government law enforcement officer authorized by the Assistant Secretary to carry a weapon on board an aircraft; and

''(v) take such other actions with respect to the travel credential as the Secretary considers appropriate.

''(B) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.

''(7) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) BIOMETRIC INFORMATION.—The term 'biometric information' means the distinct physical or behavioral characteristics that are used for identification, or verification of the identity, of an individual.

''(B) BIOMETRICS.—The term 'biometrics' means a technology that enables the automated identification, or verification of the identity, of an individual based on biometric information.

''(C) FAILURE TO ENROLL.—The term 'failure to enroll' means the inability of an individual to enroll in a biometric system due to an insufficiently distinctive biometric sample, the lack of a body part necessary to provide the biometric sample, a system design that makes it difficult to provide consistent biometric information, or other factors.

''(D) FALSE MATCH.—The term 'false match' means the incorrect matching of one individual's biometric information to another individual's biometric information by a biometric system.

''(E) FALSE NON-MATCH.—The term 'false non-match' means the rejection of a valid identity by a biometric system.

''(F) SECURE AREA OF AN AIRPORT.—The term 'secure area of an airport' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).''.

(b) FUNDING FOR USE OF BIOMETRIC TECHNOLOGY IN AIRPORT ACCESS CONTROL SYSTEMS.—

(1) GRANT AUTHORITY.—Section 44923(a) of title 49, United States Code, is amended—

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

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) for projects to implement biometric technologies in accordance with guidance issued under section 44903(h)(4)(E); and''.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 44923(i)(1) of such title is amended by striking ''$250,000,000 for each of fiscal years 2004 through 2007'' and inserting ''$250,000,000 for fiscal year 2004, $345,000,000 for fiscal year 2005, and $250,000,000 for each of fiscal years 2006 and 2007''.

SEC. 2172. TRANSPORTATION SECURITY STRATEGIC PLANNING.

Section 44904 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

''(c) TRANSPORTATION SECURITY STRATEGIC PLANNING.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall prepare and update, as needed, a transportation sector specific plan and transportation modal security plans in accordance with this section.

''(2) CONTENTS.—At a minimum, the modal security plan for aviation prepared under paragraph (1) shall—

''(A) set risk-based priorities for defending aviation assets;

''(B) select the most practical and cost-effective methods for defending aviation assets;

''(C) assign roles and missions to Federal, State, regional, and local authorities and to stakeholders;

''(D) establish a damage mitigation and recovery plan for the aviation system in the event of a terrorist attack; and

''(E) include a threat matrix document that outlines each threat to the United States civil aviation system and the corresponding layers of security in place to address such threat.

''(3) REPORTS.—Not later than 180 days after the date of enactment of the subsection and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the plans prepared under paragraph (1), including any updates to the plans. The report may be submitted in a classified format.

''(d) OPERATIONAL CRITERIA.—Not later than 90 days after the date of submission of the report under subsection (c)(3), the Assistant Secretary of Homeland Security (Transportation Security Administration) shall issue operational criteria to protect airport infrastructure and operations against the threats identified in the plans prepared under subsection (c)(1) and shall approve best practices guidelines for airport assets.''.

SEC. 2173. NEXT GENERATION AIRLINE PASSENGER PRESCREENING.

(a) IN GENERAL.—Section 44903(j)(2) of title 49, United States Code, is amended by adding at the end the following:

''(C) NEXT GENERATION AIRLINE PASSENGER PRESCREENING.—

''(i) COMMENCEMENT OF TESTING.—Not later than November 1, 2004, the Assistant Secretary of Homeland Security (Transportation Security Administration), or the designee of the Assistant Secretary, shall commence testing of a next generation passenger prescreening system that will allow the Department of Homeland Security to assume the performance of comparing passenger name records to the automatic selectee and no fly lists, utilizing all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.

''(ii) ASSUMPTION OF FUNCTION.—Not later than 180 days after completion of testing under clause (i), the Assistant Secretary, or the designee of the Assistant Secretary, shall assume the performance of the passenger prescreening function of comparing passenger name records to the automatic selectee and no fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government in performing that function.

''(iii) REQUIREMENTS.—In assuming performance of the function under clause (i), the Assistant Secretary shall—

''(I) establish a procedure to enable airline passengers, who are delayed or prohibited from boarding a flight because the next generation passenger prescreening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

''(II) ensure that Federal Government databases that will be used to establish the identity of a passenger under the system will not produce a large number of false positives;

''(III) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

''(IV) establish sufficient operational safeguards to reduce the opportunities for abuse;

''(V) implement substantial security measures to protect the system from unauthorized access;

''(VI) adopt policies establishing effective oversight of the use and operation of the system; and

''(VII) ensure that there are no specific privacy concerns with the technological architecture of the system.

''(iv) PASSENGER NAME RECORDS.—Not later than 60 days after the completion of the testing of the next generation passenger prescreening system, the Assistant Secretary shall require air carriers to supply to the Assistant Secretary the passenger name records needed to begin implementing the next generation passenger prescreening system.

''(D) SCREENING OF EMPLOYEES AGAINST WATCHLIST.—The Assistant Secretary of Homeland Security (Transportation Security Administration), in coordination with the Secretary of Transportation and the Administrator of the Federal Aviation Administration, shall ensure that individuals are screened against all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government before—

''(i) being certificated by the Federal Aviation Administration;

''(ii) being issued a credential for access to the secure area of an airport; or

''(iii) being issued a credential for access to the air operations area (as defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section) of an airport.

''(E) APPEAL PROCEDURES.—The Assistant Secretary shall establish a timely and fair process for individuals identified as a threat under subparagraph (D) to appeal the determination and correct any erroneous information.

''(F) DEFINITION.—In this paragraph, the term 'secure area of an airport' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).''.

(b) GAO REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date on which the Assistant Secretary of Homeland Security (Transportation Security Administration) assumes performance of the passenger prescreening function under section 44903(j)(2)(C)(ii) of title 49, United States Code, the Comptroller General shall submit to the appropriate congressional committees a report on the assumption of such function. The report may be submitted in a classified format.

(2) CONTENTS.—The report under paragraph (1) shall address—

(A) whether a system exists in the next generation passenger prescreening system whereby aviation passengers, determined to pose a threat and either delayed or prohibited from boarding their scheduled flights by the Transportation Security Administration, may appeal such a decision and correct erroneous information;

(B) the sufficiency of identifying information contained in passenger name records and any government databases for ensuring that a large number of false positives will not result under the next generation passenger prescreening system in a significant number of passengers being treated as a threat mistakenly or in security resources being diverted;

(C) whether the Transportation Security Administration stress tested the next generation passenger prescreening system;

(D) whether an internal oversight board has been established in the Department of Homeland Security to monitor the next generation passenger prescreening system;

(E) whether sufficient operational safeguards have been established to prevent the opportunities for abuse of the system;

(F) whether substantial security measures are in place to protect the passenger prescreening database from unauthorized access;

(G) whether policies have been adopted for the effective oversight of the use and operation of the system;

(H) whether specific privacy concerns still exist with the system; and

(I) whether appropriate life cycle cost estimates have been developed, and a benefit and cost analysis has been performed, for the system.

SEC. 2174. DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.

(a) NONMETALLIC WEAPONS AND EXPLOSIVES.—In order to improve security, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall give priority to developing, testing, improving, and deploying technology at screening checkpoints at airports that will detect nonmetallic weapons and explosives on the person of individuals, in their clothing, or in their carry-on baggage or personal property and shall ensure that the equipment alone, or as part of an integrated system, can detect under realistic operating conditions the types of nonmetallic weapons and explosives that terrorists would likely try to smuggle aboard an air carrier aircraft.

(b) STRATEGIC PLAN FOR DEPLOYMENT AND USE OF EXPLOSIVE DETECTION EQUIPMENT AT AIRPORT SCREENING CHECKPOINTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary shall transmit to the appropriate congressional committees a strategic plan to promote the optimal utilization and deployment of explosive detection systems at airports to screen individuals and their carry-on baggage or personal property, including walk-through explosive detection portals, document scanners, shoe scanners, and any other explosive detection equipment for use at a screening checkpoint. The plan may be transmitted in a classified format.

(2) CONTENTS.—The strategic plan shall include descriptions of the operational applications of explosive detection equipment at airport screening checkpoints, a deployment schedule and quantities of equipment needed to implement the plan, and funding needs for implementation of the plan, including a financing plan that provides for leveraging non-Federal funding.

SEC. 2175. PILOT PROGRAM TO EVALUATE USE OF BLAST-RESISTANT CARGO AND BAGGAGE CONTAINERS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall carry out a pilot program to evaluate the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device.

(b) INCENTIVES FOR PARTICIPATION IN PILOT PROGRAM.—

(1) IN GENERAL.—As part of the pilot program, the Assistant Secretary shall provide incentives to air carriers to volunteer to test the use of blast-resistant containers for cargo and baggage on passenger aircraft.

(2) APPLICATIONS.—To volunteer to participate in the incentive program, an air carrier

shall submit to the Assistant Secretary an application that is in such form and contains such information as the Assistant Secretary requires.

(3) TYPES OF ASSISTANCE.—Assistance provided by the Assistant Secretary to air carriers that volunteer to participate in the pilot program shall include the use of blast-resistant containers and financial assistance to cover increased costs to the carriers associated with the use and maintenance of the containers, including increased fuel costs.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Assistant Secretary shall submit to appropriate congressional committees a report on the results of the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000. Such sums shall remain available until expended.

SEC. 2176. AIR CARGO SCREENING TECHNOLOGY.

The Transportation Security Administration shall develop technology to better identify, track, and screen air cargo.

SEC. 2177. AIRPORT CHECKPOINT SCREENING EXPLOSIVE DETECTION.

Section 44940 of title 49, United States Code, is amended by adding at the end the following:

''(i) CHECKPOINT SCREENING SECURITY FUND.—

''(1) ESTABLISHMENT.—There is established in the Department of Homeland Security a fund to be known as the 'Checkpoint Screening Security Fund'.

''(2) DEPOSITS.—In each of fiscal years 2005 and 2006, after amounts are made available under section 44923(h), the next $30,000,000 derived from fees received under subsection (a)(1) shall be available to be deposited in the Fund.

''(3) FEES.—The Secretary of Homeland Security shall impose the fee authorized by subsection (a)(1) so as to collect at least $30,000,000 in each of fiscal years 2005 and 2006 for deposit into the Fund.

''(4) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall be available for the purchase, deployment, and installation of equipment to improve the ability of security screening personnel at screening checkpoints to detect explosives.''.

SEC. 2178. NEXT GENERATION SECURITY CHECKPOINT.

(a) PILOT PROGRAM.—The Transportation Security Administration shall develop, not later than 120 days after the date of enactment of this Act, and conduct a pilot program to test, integrate, and deploy next generation security checkpoint screening technology at not less than 5 airports in the United States.

(b) HUMAN FACTOR STUDIES.—The Administration shall conduct human factors studies to improve screener performance as part of the pilot program under subsection (a).

SEC. 2179. PENALTY FOR FAILURE TO SECURE COCKPIT DOOR.

(a) CIVIL PENALTY.—Section 46301(a) of title 49, United States Code, is amended by adding at the end the following:

''(6) PENALTY FOR FAILURE TO SECURE FLIGHT DECK DOOR.—Any person holding a part 119 certificate under part of title 14, Code of Federal Regulations, is liable to the Government for a civil penalty of not more than $25,000 for each violation, by the pilot in command of an aircraft owned or operated by such person, of any Federal regulation that requires that the flight deck door be closed and locked when the aircraft is being operated.''.

(b) TECHNICAL CORRECTIONS.—

(1) COMPROMISE AND SETOFF FOR FALSE INFORMATION.—Section 46302(b)(1) of such title is amended by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security and, for a violation relating to section 46504, the Secretary of Transportation,''.

(2) CARRYING A WEAPON.—Section 46303 of such title is amended—

(A) in subsection (b)(1) by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security''; and

(B) in subsection (c)(2) by striking ''Under Secretary of Transportation for Security'' and inserting ''Secretary of Homeland Security''.

(3) ADMINISTRATIVE IMPOSITION OF PENALTIES.—Section 46301(d) of such title is amended—

(A) in the first sentence of paragraph (2) by striking ''46302, 46303,'' and inserting ''46302 (for a violation relating to section 46504),'';

(B) in the second sentence of paragraph (2)—

(i) by striking ''Under Secretary of Transportation for Security'' and inserting ''Secretary of Homeland Security''; and

(ii) by striking ''44909)'' and inserting ''44909), 46302 (except for a violation relating to section 46504), 46303,'';

(C) in each of paragraphs (2), (3), and (4) by striking ''Under Secretary or'' and inserting ''Secretary of Homeland Security or''; and

(D) in paragraph (4)(A) by moving clauses (i), (ii), and (iii) 2 ems to the left.

SEC. 2180. FEDERAL AIR MARSHAL ANONYMITY.

The Director of the Federal Air Marshal Service of the Department of Homeland Security shall continue to develop operational initiatives to protect the anonymity of Federal air marshals.

SEC. 2181. FEDERAL LAW ENFORCEMENT COUNTERTERRORISM TRAINING.

(a) The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall make available appropriate in-flight counterterrorism and weapons handling procedures and tactics training to Federal law enforcement officers who fly while on duty.

(b) The Assistant Secretary for Immigration and Customs Enforcement and the Director of Federal Air Marshal Service of the Department of Homeland Security, in coordination with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall ensure that Transportation Security Administration screeners and Federal Air Marshals receive training in identifying fraudulent identification documents, including fraudulent or expired Visas and Passports. Such training shall also be made available to other Federal law enforcement agencies and local law enforcement agencies located in border states.

SEC. 2182. FEDERAL FLIGHT DECK OFFICER WEAPON CARRIAGE PILOT PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall implement a pilot program to allow pilots participating in the Federal flight deck officer program to transport their firearms on their persons. The Assistant Secretary may prescribe any training, equipment, or procedures including procedures for reporting of missing, lost or stolen firearms, that the Assistant Secretary determines necessary to ensure safety and maximize weapon retention.

(b) REVIEW.—Not later than 1 year after the date of initiation of the pilot program, the Assistant Secretary shall conduct a review of the safety record of the pilot program and transmit a report on the results of the review to the appropriate congressional committees.

(c) OPTION.—If the Assistant Secretary as part of the review under subsection (b) determines that the safety level obtained under the pilot program is comparable to the safety level determined under existing methods of pilots carrying firearms on aircraft, the Assistant Secretary shall allow all pilots participating in the Federal flight deck officer program the option of carrying their firearm on their person subject to such requirements as the Assistant Secretary determines appropriate.

SEC. 2183. REGISTERED TRAVELER PROGRAM.

The Transportation Security Administration shall expedite implementation of the registered traveler program.

SEC. 2184. WIRELESS COMMUNICATION.

(a) STUDY.—The Transportation Security Administration, in consultation with the Federal Aviation Administration, shall conduct a study to determine the viability of providing devices or methods, including wireless methods, to enable a flight crew to discreetly notify the pilot in the case of a security breach or safety issue occurring in the cabin.

(b) MATTERS TO BE CONSIDERED.—In conducting the study, the Transportation Security Administration and the Federal Aviation Administration shall consider technology that is readily available and can be quickly integrated and customized for use aboard aircraft for flight crew communication.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Transportation Security Administration shall submit to the appropriate congressional committees a report on the results of the study.

SEC. 2185. SECONDARY FLIGHT DECK BARRIERS.

Not later than 6 months after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall transmit to the appropriate congressional committees a report on the costs and benefits associated with the use of secondary flight deck barriers and whether the use of such barriers should be mandated for all air carriers. The Assistant Secretary may transmit the report in a classified format.

SEC. 2186. EXTENSION.

Section 48301(a) of title 49, United States Code, is amended by striking ''and 2005'' and inserting ''2005, and 2006''.

SEC. 2187. PERIMETER SECURITY.

(a) REPORT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration), in consultation with airport operators and law enforcement authorities, shall develop and submit to the appropriate congressional committee a report on airport perimeter security. The report may be submitted in a classified format.

(b) CONTENTS.—The report shall include—

(1) an examination of the feasibility of access control technologies and procedures, including the use of biometrics and other methods of positively identifying individuals prior to entry into secure areas of airports, and provide best practices for enhanced perimeter access control techniques; and

(2) an assessment of the feasibility of physically screening all individuals prior to entry into secure areas of an airport and additional methods for strengthening the background vetting process for all individuals credentialed to gain access to secure areas of airports.

SEC. 2188. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committees'' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) AIR CARRIER.—The term ''air carrier'' has the meaning such term has under section 40102 of title 49, United States Code.

(3) SECURE AREA OF AN AIRPORT.—The term ''secure area of an airport'' means the sterile area and the Secure Identification Display Area of an airport (as such terms are defined in section 1540.5 of title 49, Code of Federal Regulations, or any successor regulation to such section).

Subtitle H—Other Matters

SEC. 2191. GRAND JURY INFORMATION SHARING.

(a) RULE AMENDMENTS.—Rule 6(e) of the Federal Rules of Criminal Procedure is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)(ii), by striking ''or state subdivision or of an Indian tribe'' and inserting '', state subdivision, Indian tribe, or foreign government'';

(B) in subparagraph (D)—

(i) by inserting after the first sentence the following: ''An attorney for the government may also disclose any grand-jury matter involving a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, domestic or international sabotage, domestic or international terrorism, or clandestine intelligence gathering activities by an intelligence service or network of a foreign power or by an agent of a foreign power, within the United States or elsewhere, to any appropriate Federal, State, state subdivision, Indian tribal, or foreign government official for the purpose of preventing or responding to such a threat.''; and

(ii) in clause (i)—

(I) by striking ''federal''; and

(II) by adding at the end the following: ''Any State, state subdivision, Indian tribal, or foreign government official who receives information under Rule 6(e)(3)(D) may use the information only consistent with such guidelines as the Attorney General and the National Intelligence Director shall jointly issue.''; and

(C) in subparagraph (E)—

(i) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(ii) by inserting after clause (ii) the following:

''(iii) at the request of the government, when sought by a foreign court or prosecutor for use in an official criminal investigation;''; and

(iii) in clause (iv), as redesignated—

(I) by striking ''state or Indian tribal'' and inserting ''State, Indian tribal, or foreign''; and

(II) by striking ''or Indian tribal official'' and inserting ''Indian tribal, or foreign government official''; and

(2) in paragraph (7), by inserting '', or of guidelines jointly issued by the Attorney General and Director of Central Intelligence pursuant to Rule 6,'' after ''Rule 6''.

(b) CONFORMING AMENDMENT.—Section 203(c) of Public Law 107–56 (18 U.S.C. 2517 note) is amended by striking ''Rule 6(e)(3)(C)(i)(V) and (VI)'' and inserting ''Rule 6(e)(3)(D)''.

SEC. 2192. INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE DATA SYSTEM.

(a) FINDINGS.—The Congress finds as follows:

(1) The interoperable electronic data system know as the ''Chimera system'', and required to be developed and implemented by section 202(a)(2) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722(a)(2)), has not in any way been implemented.

(2) Little progress has been made since the enactment of such Act with regard to establishing a process to connect existing trusted systems operated independently by the respective intelligence agencies.

(3) It is advisable, therefore, to assign such responsibility to the National Intelligence Director.

(4) The National Intelligence Director should, pursuant to the amendments made by subsection (c), begin systems planning immediately upon assuming office to deliver an interim system not later than 1 year after the date of the enactment of this Act, and to deliver the fully functional Chimera system not later than September 11, 2007.

(5) Both the interim system, and the fully functional Chimera system, should be designed so that intelligence officers, Federal law enforcement agencies (as defined in section 2 of such Act (8 U.S.C. 1701)), operational counter-terror support center personnel, consular officers, and Department of Homeland Security enforcement officers have access to them.

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

(1) To provide the National Intelligence Director with the necessary authority and resources to establish both an interim data system and, subsequently, a fully functional Chimera system, to collect and share intelligence and operational information with the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) To require the National Intelligence Director to establish a state-of-the-art Chimera system with both biometric identification and linguistic capabilities satisfying the best technology standards.

(3) To ensure that the National Intelligence Center will have a fully functional capability, not later than September 11, 2007, for interoperable data and intelligence exchange with the agencies of the intelligence community (as so defined).

(c) AMENDMENTS.—

(1) IN GENERAL.—Title II of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1721 et seq.) is amended—

(A) in section 202(a)—

(i) by amending paragraphs (1) and (2) to read as follows:

''(1) INTERIM INTEROPERABLE INTELLIGENCE DATA EXCHANGE SYSTEM.—Not later than 1 year after assuming office, the National Intelligence Director shall establish an interim interoperable intelligence data exchange system that will connect the data systems operated independently by the entities in the intelligence community and by the National Counterterrorism Center, so as to permit automated data exchange among all of these entities. Immediately upon assuming office, the National Intelligence Director shall begin the plans necessary to establish such interim system.

''(2) CHIMERA SYSTEM.—Not later than September 11, 2007, the National Intelligence Director shall establish a fully functional interoperable law enforcement and intelligence electronic data system within the National Counterterrorism Center to provide immediate access to information in databases of Federal law enforcement agencies and the intelligence community that is necessary to identify terrorists, and organizations and individuals that support terrorism. The system established under this paragraph shall referred to as the 'Chimera system'. '';

(ii) in paragraph (3)—

(I) by striking ''President'' and inserting ''National Intelligence Director''; and

(II) by striking ''the data system'' and inserting ''the interim system described in paragraph (1) and the Chimera system described in paragraph (2)'';

(iii) in paragraph (4)(A), by striking ''The data system'' and all that follows through ''(2),'' and inserting ''The interim system described in paragraph (1) and the Chimera system described in paragraph (2)'';

(iv) in paragraph (5)—

(I) in the matter preceding subparagraph (A), by striking ''data system under this subsection'' and inserting ''Chimera system described in paragraph (2)'';

(II) in subparagraph (B), by striking ''and'' at the end;

(III) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(D) to any Federal law enforcement or intelligence officer authorized to assist in the investigation, identification, or prosecution of terrorists, alleged terrorists, individuals supporting terrorist activities, and individuals alleged to support terrorist activities. ''; and

(v) in paragraph (6)—

(I) by striking ''President'' and inserting ''National Intelligence Director'';

(II) by striking ''the data system'' and all that follows through ''(2),'' and inserting ''the interim system described in paragraph (1) and the Chimera system described in paragraph (2)'';

(B) in section 202(b)—

(i) in paragraph (1), by striking ''The interoperable'' and all that follows through ''subsection (a)'' and inserting ''the Chimera system described in subsection (a)(2)'';

(ii) in paragraph (2), by striking ''interoperable electronic database'' and inserting ''Chimera system described in subsection (a)(2)''; and

(iii) by amending paragraph (4) to read as follows:

''(4) INTERIM REPORTS.—Not later than 6 months after assuming office, the National Intelligence Director shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.'';

(C) in section 204—

(i) by striking ''Attorney General'' each place such term appears and inserting ''National Intelligence Director'';

(ii) in subsection (d)(1), by striking ''Attorney General's'' and inserting ''National Intelligence Director's''; and

(D) by striking section 203 and redesignating section 204 as section 203.

(2) CLERICAL AMENDMENT.—The table of contents for the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1701 et seq.) is amended—

(A) by striking the item relating to section 203; and

(B) by redesignating the item relating to section 204 as relating to section 203.

SEC. 2193. 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 and to meet the intelligence needs of 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 further enhance and fully institutionalize its ability to prevent, preempt, and disrupt terrorist threats to our homeland, our people, our allies, and our interests.

(3) The Federal Bureau of Investigation must collect, process, share, and disseminate, to the greatest extent permitted by applicable law, to the President, the Vice

President, and other officials in the Executive Branch, all terrorism information and other information necessary to safeguard our people and advance our national and homeland security interests.

(4) The Federal Bureau of Investigation must move towards full and seamless coordination and cooperation with all other elements of the Intelligence Community, including full participation in, and support to, the National Counterterrorism Center.

(5) The Federal Bureau of Investigation must strengthen its pivotal role in coordination and cooperation with Federal, State, tribal, and local law enforcement agencies to ensure the necessary sharing of information for counterterrorism and criminal law enforcement purposes.

(6) The Federal Bureau of Investigation must perform its vital intelligence functions in a manner consistent with both with national intelligence priorities and respect for privacy and other civil liberties under the Constitution and laws of the United States.

(b) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—The Director of the Federal Bureau of Investigation shall establish a comprehensive intelligence program for—

(1) intelligence analysis, including recruitment and hiring of analysts, analyst training, priorities and status for analysis, and analysis performance measures;

(2) intelligence production, including product standards, production priorities, information sharing and dissemination, and customer satisfaction measures;

(3) production of intelligence that is responsive to national intelligence requirements and priorities, including measures of the degree to which each FBI headquarters and field component is collecting and providing such intelligence;

(4) intelligence sources, including source validation, new source development, and performance measures;

(5) field intelligence operations, including staffing and infrastructure, management processes, priorities, and performance measures;

(6) full and seamless coordination and cooperation with the other components of the Intelligence Community, consistent with their responsibilities; and

(7) sharing of FBI intelligence and information across Federal, state, and local governments, with the private sector, and with foreign partners as provided by law or by guidelines of the Attorney General.

(c) INTELLIGENCE DIRECTORATE.—The Director of the Federal Bureau of Investigation shall establish an Intelligence Directorate within the FBI. The Intelligence Directorate shall have the authority to manage and direct the intelligence operations of all FBI headquarters and field components. The Intelligence Directorate shall have responsibility for all components and functions of the FBI necessary for—

(1) oversight of FBI field intelligence operations;

(2) FBI human source development and management;

(3) FBI collection against nationally-determined intelligence requirements;

(4) language services;

(5) strategic analysis;

(6) intelligence program and budget management; and

(7) the intelligence workforce.

(d) NATIONAL SECURITY WORKFORCE.—The Director of the Federal Bureau of Investigation shall establish a specialized, integrated intelligence cadre composed of Special Agents, analysts, linguists, and surveillance specialists in a manner which creates and sustains within the FBI a workforce with substantial expertise in, and commitment to, the intelligence mission of the FBI. The Director shall—

(1) ensure that these FBI employees may make their career, including promotion to the most senior positions in the FBI, within this career track;

(2) establish intelligence cadre requirements for—

(A) training;

(B) career development and certification;

(C) recruitment, hiring, and selection;

(D) integrating field intelligence teams; and

(E) senior level field management;

(3) establish intelligence officer certification requirements, including requirements for training courses and assignments to other intelligence, national security, or homeland security components of the Executive branch, in order to advance to senior operational management positions in the FBI;

(4) ensure that the FBI's recruitment and training program enhances its ability to attract individuals with educational and professional backgrounds in intelligence, international relations, language, technology, and other skills relevant to the intelligence mission of the FBI;

(5) ensure that all Special Agents and analysts employed by the FBI after the date of the enactment of this Act shall receive basic training in both criminal justice matters and intelligence matters;

(6) ensure that all Special Agents employed by the FBI after the date of the enactment of this Act, to the maximum extent practicable, be given an opportunity to undergo, during their early service with the FBI, meaningful assignments in criminal justice matters and in intelligence matters;

(7) ensure that, to the maximum extent practical, Special Agents who specialize in intelligence are afforded the opportunity to work on intelligence matters over the remainder of their career with the FBI; and

(8) ensure that, to the maximum extent practical, analysts are afforded FBI training and career opportunities commensurate with the training and career opportunities afforded analysts in other elements of the intelligence community.

(e) FIELD OFFICE MATTERS.—The Director of the Federal Bureau of Investigation shall take appropriate actions to ensure the integration of analysis, Special Agents, linguists, and surveillance personnel in FBI field intelligence components and to provide effective leadership and infrastructure to support FBI field intelligence components. The Director shall—

(1) ensure that each FBI field office has an official at the level of Assistant Special Agent in Charge or higher with responsibility for the FBI field intelligence component; and

(2) to the extent practicable, provide for such expansion of special compartmented information facilities in FBI field offices as is necessary to ensure the discharge by the field intelligence components of the national security and criminal intelligence mission of the FBI.

(g) 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 FBI in order to organize the budget according to its four main programs as follows:

(1) Intelligence.

(2) Counterterrorism and counterintelligence.

(3) Criminal enterprise/Federal crimes.

(4) Criminal justice services.

(h) REPORTS.—

(1)(A) Not later than 180 days after the date of the enactment of this Act, and every twelve months thereafter, 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 Director shall include in the first report required by subparagraph (A) an estimate of the resources required to complete the expansion of special compartmented information facilities to carry out the intelligence mission of FBI field intelligence components.

(2) In each annual report required by paragraph (1)(A) the director shall include—

(A) a report on the progress made by each FBI field office during the period covered by such review in addressing FBI and national intelligence priorities;

(B) a report assessing the qualifications, status, and roles of analysts at FBI headquarters and in FBI field offices; and

(C) a report on the progress of the FBI in implementing information-sharing principles.

(3) 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 unclassified form, but may include a classified annex.

SEC. 2194. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking ''ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—'' and inserting ''USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—'';

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (5) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

''(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

''(B) security assessments;

''(C) security training of personnel and students;

''(D) coordination with local law enforcement; and

''(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

''(5) pay for officers hired to perform intelligence, anti-terror, or homeland security duties exclusively;''; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(8) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;'';

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking ''subsection (i)'' and inserting ''subsection (g)''; and

(6) by adding at the end the following new subsection:

''(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

''(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

''(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

''(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.''.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking ''section 1701(d)'' and inserting ''section 1701(b)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking clause (i) and all that follows through the period at the end and inserting the following:

''(i) $1,007,624,000 for fiscal year 2005;

''(ii) $1,027,176,000 for fiscal year 2006; and

''(iii) $1,047,119,000 for fiscal year 2007.''; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

Subtitle I—Police Badges

SEC. 2201. SHORT TITLE.

This subtitle may be cited as the ''Badge Security Enhancement Act of 2004'' .

SEC. 2202. POLICE BADGES.

Section 716 of title 18, United States Code, is amended in subsection (b)—

(1) by striking paragraphs (2) and (4); and

(2) by redesignating paragraph (3) as paragraph (2).

TITLE III—BORDER SECURITY AND TERRORIST TRAVEL

Subtitle A—Immigration Reform in the National Interest

CHAPTER 1—GENERAL PROVISIONS

SEC. 3001. ELIMINATING THE "WESTERN HEMISPHERE" EXCEPTION FOR CITIZENS.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended to read as follows:

''(b)(1) Except as otherwise provided in this subsection, it shall be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless the citizen bears a valid United States passport.

''(2) Subject to such limitations and exceptions as the President may authorize and prescribe, the President may waive the application of paragraph (1) in the case of a citizen departing the United States to, or entering the United States from, foreign contiguous territory.

''(3) The President, if waiving the application of paragraph (1) pursuant to paragraph (2), shall require citizens departing the United States to, or entering the United States from, foreign contiguous territory to bear a document (or combination of documents) designated by the Secretary of Homeland Security under paragraph (4).

''(4) The Secretary of Homeland Security—

''(A) shall designate documents that are sufficient to denote identity and citizenship in the United States such that they may be used, either individually or in conjunction with another document, to establish that the bearer is a citizen or national of the United States for purposes of lawfully departing from or entering the United States; and

''(B) shall publish a list of those documents in the Federal Register.

''(5) A document or documents may not be designated under paragraph (4) unless the Secretary of Homeland Security determines that the document or documents adequately identifies or identify the bearer as a citizen of the United States. If a single document is designated, it must be a document that may not be issued to an alien. In no event may a combination of documents be accepted for this purpose unless the Secretary of Homeland Security determines that at least one of those documents could not be issued to an alien.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2006.

(b) INTERIM RULE.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Homeland Security—

(A) shall designate documents that are sufficient to denote identity and citizenship in the United States such that they may be used, either individually or in conjunction with another document, to establish that the bearer is a citizen or national of the United States for purposes of lawfully departing from or entering the United States; and

(B) shall publish a list of those documents in the Federal Register.

(2) LIMITATION ON PRESIDENTIAL AUTHORITY.—Beginning on the date that is 90 days after the publication described in paragraph (1)(B), the President, notwithstanding section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)), may not exercise the President's authority under such section so as to permit any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States from any country other than foreign contiguous territory, unless the citizen bears a document (or combination of documents) designated under paragraph (1)(A).

(3) CRITERIA FOR DESIGNATION.—A document or documents may not be designated under paragraph (1)(A) unless the Secretary of Homeland Security determines that the document or documents adequately identifies or identify the bearer as a citizen of the United States. If a single document is designated, it must be a document that may not be issued to an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))). In no event may a combination of documents be accepted for this purpose unless the Secretary of Homeland Security determines that at least one of those documents could not be issued to an alien (as so defined).

(4) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act and shall cease to be effective on September 30, 2006.

SEC. 3002. MODIFICATION OF WAIVER AUTHORITY WITH RESPECT TO DOCUMENTATION REQUIREMENTS FOR NATIONALS OF FOREIGN CONTIGUOUS TERRITORIES AND ADJACENT ISLANDS.

(a) IN GENERAL.—Section 212(d)(4) of the Immigration and Nationality Act (8 U.S.C.1182(d)(4)) is amended—

(1) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(2) by striking ''on the basis of reciprocity'' and all that follows through ''or (C)''; and

(3) by adding at the end the following:

''Either or both of the requirements of such paragraph may also be waived by the Secretary of Homeland Security and the Secretary of State, acting jointly and on the basis of reciprocity, with respect to nationals of foreign contiguous territory or of adjacent islands, but only if such nationals are required, in order to be admitted into the United States, to be in possession of identification deemed by the Secretary of Homeland Security to be secure.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2006.

SEC. 3003. INCREASE IN FULL-TIME BORDER PATROL AGENTS.

The Secretary of Homeland Security, in each of fiscal years 2006 through 2010, shall increase by not less than 2,000 the number of positions for full-time active-duty border patrol agents within the Department of Homeland Security above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 3004. INCREASE IN FULL-TIME IMMIGRATION AND CUSTOMS ENFORCEMENT INVESTIGATORS.

The Secretary of Homeland Security, in each of fiscal years 2006 through 2010, shall increase by not less than 800 the number of positions for full-time active-duty investigators within the Department of Homeland Security investigating violations of immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)) above the number of such positions for which funds were allotted for the preceding fiscal year. At least half of these additional investigators shall be designated to investigate potential violations of section 274A of the Immigration and Nationality Act (8 U.S.C 1324a). Each State shall be allotted at least 3 of these additional investigators.

SEC. 3005. ALIEN IDENTIFICATION STANDARDS.

Section 211 of the Immigration and Nationality Act (8 U.S.C. 1181) is amended by adding at the end the following:

''(d) For purposes of establishing identity to any Federal employee, an alien present in the United States may present any document issued by the Attorney General or the Secretary of Homeland Security under the authority of one of the immigration laws (as defined in section 101(a)(17)), a domestically issued document that the Secretary of Homeland Security designates as reliable for this purpose and that cannot be issued to an alien unlawfully present in the United States, or an unexpired, lawfully issued foreign passport as determined by the Secretary of State. Subject to the limitations and exceptions in the immigration laws (as so defined), no other document may be presented for such purposes.''.

SEC. 3006. EXPEDITED REMOVAL.

Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

''(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and has not been physically present in the United States continuously for the 5-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review, unless the alien indicates an intention to apply for asylum under section 208 or a fear of persecution and the officer determines that the alien has been physically present in the United States for less than 1 year.

''(ii) CLAIMS FOR ASYLUM.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and has not been physically present in the United States continuously for the 5-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(C) or 212(a)(7), and the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B) if the officer determines that the alien has been physically present in the United States for less than 1 year.''.

SEC. 3007. PREVENTING TERRORISTS FROM OBTAINING ASYLUM.

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b) of the Immigration and Nationality Act (8 U.S.C. 1158(b)) is amended—

(1) in paragraph (1), by striking ''The Attorney General'' and inserting the following:

''(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General''; and

(2) by adding at the end the following:

''(B) BURDEN OF PROOF.—

''(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A).

''(ii) SPECIAL RULE.—The applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be the central motive for persecuting the applicant if the applicant claims that the applicant has been or would be subjected to persecution because the applicant—

''(I) has been accused of being or is believed to be a member of, or has been accused of supporting, a guerrilla, militant, or terrorist organization; or

''(II) has been accused of engaging in or supporting guerrilla, militant, or terrorist activities, or is believed to have engaged in or supported such activities.

''(iii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if it is credible, is persuasive, and refers to specific facts that demonstrate that the applicant is a refugee. Where the trier of fact finds that it is reasonable to expect corroborating evidence for certain alleged facts pertaining to the specifics of the applicant's claim, such evidence must be provided unless a reasonable explanation is given as to why such information is not provided. It is reasonable to expect the applicant to provide corroborating evidence if the applicant has, or has access to, the evidence or could reasonably obtain the evidence without departing from the United States.

''(iv) CREDIBILITY DETERMINATION.—The credibility determination of the trier of fact may be based, in addition to other factors, on the demeanor, candor, or responsiveness of the applicant or witness, the consistency between the applicant's or witness's written and oral statements, whether or not under oath, made at any time to any officer, agent, or employee of the United States, the internal consistency of each such statement, the consistency of such statements with the country conditions in the country from which the applicant claims asylum (as presented by the Department of State) and any inaccuracies or falsehoods in such statements. These factors may be considered individually or cumulatively.''.

(b) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding after subparagraph (D) the following flush language: ''No court shall reverse a determination made by an adjudicator with respect to the availability of corroborating evidence as described in section 208(b)(1)(B), unless the court finds that a reasonable adjudicator is compelled to conclude that such corroborating evidence is unavailable.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect upon the date of the enactment of this Act and shall apply to cases in which the final administrative removal order was issued before, on, or after the date of the enactment of this Act.

SEC. 3008. REVOCATION OF VISAS AND OTHER TRAVEL DOCUMENTATION.

(a) LIMITATION ON REVIEW.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by adding at the end the following: ''There shall be no means of judicial review (including review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title) of a revocation under this subsection, and no court shall have jurisdiction to consider any claim challenging the validity of such a revocation.''.

(b) CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(B)) is amended by striking ''United States is'' and inserting the following: ''United States, or whose nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) has been revoked under section 221(i), is''.

(c) REVOCATION OF PETITIONS.—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended—

(1) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(2) by striking the final two sentences.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to revocations under sections 205 and 221(i) of the Immigration and Nationality Act made before, on, or after such date.

SEC. 3009. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraphs (A), (B), and (C), by inserting ''(statutory and nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''Notwithstanding any other provision of law''; and

(ii) by adding at the end the following:

''(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in this paragraph shall be construed as precluding consideration by the circuit courts of appeals of constitutional claims or pure questions of law raised upon petitions for review filed in accordance with this section. Notwithstanding any other provision of law (statutory and nonstatutory), including section 2241 of title 28, United States Code, or, except as provided in subsection (e), any other habeas corpus provision, and sections 1361 and 1651 of such title, such petitions for review shall be the sole and exclusive means of raising any and all claims with respect to orders of removal entered or issued under any provision of this Act.''; and

(B) by adding at the end the following:

''(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION.—Notwithstanding any other provision of law (statutory and nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review by the circuit courts of appeals filed in accordance with this section is the sole and exclusive means of judicial review of claims arising under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment.

''(5) EXCLUSIVE MEANS OF REVIEW.—The judicial review specified in this subsection shall be the sole and exclusive means for review by any court of an order of removal entered or issued under any provision of this Act. For purposes of this title, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms 'judicial review' and 'jurisdiction to review' include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law.'';

(2) in subsection (b)—

(A) in paragraph (3)(B), by inserting ''pursuant to subsection (f)'' after ''unless''; and

(B) in paragraph (9), by adding at the end the following: ''Except as otherwise provided in this subsection, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to hear any cause or claim subject to these consolidation provisions.'';

(3) in subsection (f)(2), by inserting ''or stay, by temporary or permanent order, including stays pending judicial review,'' after ''no court shall enjoin''; and

(4) in subsection (g), by inserting ''(statutory and nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''notwithstanding any other provision of law''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act and shall apply to cases in which the final administrative removal order was issued before, on, or after the date of the enactment of this Act.

(c) TRANSFER OF CASES.—If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative removal order, is pending in a district court on the date of the enactment of this Act, then the district court shall transfer the case (or part of the case that challenges the removal order) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this Act. The court of appeals shall treat the transferred case as if it had been brought pursuant to a petition for review under such section 242.

CHAPTER 2—DEPORTATION OF TERRORISTS AND SUPPORTERS OF TERRORISM

SEC. 3031. EXPANDED INAPPLICABILITY OF RESTRICTION ON REMOVAL.

(a) IN GENERAL.—Section 241(b)(3)(B) (8 U.S.C. 1231(b)(3)(B)) is amended—

(1) in clause (iii), by striking ''or'';

(2) in clause (iv), by striking the period at the end and inserting ''; or'';

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

''(v) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B), unless, in the case only of an alien described in section 212(a)(3)(B)(i)(IV), the Secretary of Homeland Security determines, in the Secretary's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States.''; and

(4) by striking the last sentence.

(b) EXCEPTIONS.—Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended—

(1) by striking ''inadmissible under'' each place such term appears and inserting ''described in''; and

(2) by striking ''removable under''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to—

(1) removal proceedings instituted before, on, or after the date of the enactment of this Act; and

(2) acts and conditions constituting a ground for inadmissibility or removal occurring or existing before, on, or after such date.

SEC. 3032. EXCEPTION TO RESTRICTION ON REMOVAL FOR TERRORISTS AND CRIMINALS.

(a) REGULATIONS.—

(1) REVISION DEADLINE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall revise the regulations prescribed by the Secretary to implement the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

(2) EXCLUSION OF CERTAIN ALIENS.—The revision—

(A) shall exclude from the protection of such regulations aliens described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) (as amended by this title), including rendering such aliens ineligible for withholding or deferral of removal under the Convention; and

(B) shall ensure that the revised regulations operate so as to—

(i) allow for the reopening of determinations made under the regulations before the effective date of the revision; and

(ii) apply to acts and conditions constituting a ground for ineligibility for the protection of such regulations, as revised, regardless of when such acts or conditions occurred.

(3) BURDEN OF PROOF.—The revision shall also ensure that the burden of proof is on the applicant for withholding or deferral of removal under the Convention to establish by clear and convincing evidence that he or she would be tortured if removed to the proposed country of removal.

(b) JUDICIAL REVIEW.—Notwithstanding any other provision of law, no court shall have jurisdiction to review the regulations adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to consider or review claims raised under the Convention or this section, except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

SEC. 3033. ADDITIONAL REMOVAL AUTHORITIES.

(a) IN GENERAL.—Section 241(b) of the Immigration and Nationality Act (8 U.S.C. 1231(b)) is amended—

(1) in paragraph (1)—

(A) in each of subparagraphs (A) and (B), by striking the period at the end and inserting ''unless, in the opinion of the Secretary of Homeland Security, removing the alien to such country would be prejudicial to the United States.''; and

(B) by amending subparagraph (C) to read as follows:

''(C) ALTERNATIVE COUNTRIES.—If the alien is not removed to a country designated in subparagraph (A) or (B), the Secretary of Homeland Security shall remove the alien to—

''(i) the country of which the alien is a citizen, subject, or national, where the alien was born, or where the alien has a residence, unless the country physically prevents the alien from entering the country upon the alien's removal there; or

''(ii) any country whose government will accept the alien into that country.''; and

(2) in paragraph (2)—

(A) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) by amending subparagraph (D) to read as follows:

''(D) ALTERNATIVE COUNTRIES.—If the alien is not removed to a country designated under subparagraph (A)(i), the Secretary of Homeland Security shall remove the alien to a country of which the alien is a subject, national, or citizen, or where the alien has a residence, unless—

''(i) such country physically prevents the alien from entering the country upon the alien's removal there; or

''(ii) in the opinion of the Secretary of Homeland Security, removing the alien to the country would be prejudicial to the United States.''; and

(C) by amending subparagraph (E)(vii) to read as follows:

''(vii) Any country whose government will accept the alien into that country.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to any deportation, exclusion, or removal on or after such date pursuant to any deportation, exclusion, or removal order, regardless of whether such order is administratively final before, on, or after such date.

CHAPTER 3—PREVENTING COMMERCIAL ALIEN SMUGGLING

SEC. 3041. BRINGING IN AND HARBORING CERTAIN ALIENS.

(a) CRIMINAL PENALTIES.—Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended by adding at the end the following:

''(4) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may be increased by up to 10 years if—

''(A) the offense was part of an ongoing commercial organization or enterprise;

''(B) aliens were transported in groups of 10 or more;

''(C) aliens were transported in a manner that endangered their lives; or

''(D) the aliens presented a life-threatening health risk to people in the United States.''.

(b) OUTREACH PROGRAM.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

''(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation as appropriate with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.

Subtitle B—Identity Management Security

CHAPTER 1—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 3051. DEFINITIONS.

In this chapter, the following definitions apply:

(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

(2) IDENTIFICATION CARD.—The term ''identification card'' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

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

(4) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 3052. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

(1) The person's full legal name.

(2) The person's date of birth.

(3) The person's gender.

(4) The person's driver license or identification card number.

(5) A digital photograph of the person.

(6) The person's address of principal residence.

(7) The person's signature.

(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

(9) A common machine-readable technology, with defined minimum data elements.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS.—

(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LEGAL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

(i) is a citizen of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(v) has a pending or approved application for asylum in the United States;

(vi) has entered into the United States in refugee status;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

(i) IN GENERAL.—If a person presents evidence under any of clauses (iv) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or if there is no definite end to the period of authorized stay a period of one year.

(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) APPLICATIONS FOR RENEWAL, DUPLICATION, OR REISSUANCE.—

(A) PRESUMPTION.—For purposes of paragraphs (1) and (2), a State shall presume that any driver's license or identification card for which an application has been made for renewal, duplication, or reissuance has been issued in accordance with the provisions of such paragraphs if, at the time the application is made, the driver's license or identification card has not expired or been canceled, suspended, or revoked.

(B) LIMITATION.—Subparagraph (A) shall not apply to a renewal, duplication, or reissuance if the State is notified by a local, State, or Federal government agency that the person seeking such renewal, duplication, or reissuance is neither a citizen of the United States nor legally in the United States.

(4) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

SEC. 3053. LINKING OF DATABASES.

(a) IN GENERAL.—To be eligible to receive any grant or other type of financial assistance made available under this subtitle, a State shall participate in the interstate compact regarding sharing of driver license data, known as the ''Driver License Agreement'', in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

(b) REQUIREMENTS FOR INFORMATION.—A State motor vehicle database shall contain, at a minimum, the following information:

(1) All data fields printed on drivers' licenses and identification cards issued by the State.

(2) Motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

SEC. 3054. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

Section 1028(a)(8) of title 18, United States Code, is amended by striking ''false authentication features'' and inserting ''false or actual authentication features''.

SEC. 3055. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this chapter.

(b) 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 chapter.

SEC. 3056. AUTHORITY.

(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, certify standards, and issue grants under this chapter shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 3052(a)(1) if the State provides adequate justification for noncompliance.

CHAPTER 2—IMPROVED SECURITY FOR BIRTH CERTIFICATES

SEC. 3061. DEFINITIONS.

(a) APPLICABILITY OF DEFINITIONS.—Except as otherwise specifically provided, the definitions contained in section 3051 apply to this chapter.

(b) OTHER DEFINITIONS.—In this chapter, the following definitions apply:

(1) BIRTH CERTIFICATE.—The term ''birth certificate'' means a certificate of birth—

(A) for an individual (regardless of where born)—

(i) who is a citizen or national of the United States at birth; and

(ii) whose birth is registered in the United States; and

(B) that—

(i) 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

(ii) 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.

(2) REGISTRANT.—The term ''registrant'' means, with respect to a birth certificate, the person whose birth is registered on the certificate.

(3) STATE.—The term ''State'' shall have the meaning given such term in section 3051; except that New York City shall be treated as a State separate from New York.

SEC. 3062. APPLICABILITY OF MINIMUM STANDARDS TO LOCAL GOVERNMENTS.

The minimum standards in this chapter applicable to birth certificates issued by a State shall also apply to birth certificates issued by a local government in the State. It shall be the responsibility of the State to ensure that local governments in the State comply with the minimum standards.

SEC. 3063. MINIMUM STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a Federal agency may not accept, for any official purpose, a birth certificate issued by a State

to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Health and Human Services, may prescribe by regulation.

(b) MINIMUM DOCUMENT STANDARDS.—To meet the requirements of this section, a State shall include, on each birth certificate issued to a person by the State, the use of safety paper, the seal of the issuing custodian of record, and such other features as the Secretary may determine necessary to prevent tampering, counterfeiting, and otherwise duplicating the birth certificate for fraudulent purposes. The Secretary may not require a single design to which birth certificates issued by all States must conform.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require and verify the following information from the requestor before issuing an authenticated copy of a birth certificate:

(A) The name on the birth certificate.

(B) The date and location of the birth.

(C) The mother's maiden name.

(D) Substantial proof of the requestor's identity.

(2) ISSUANCE TO PERSONS NOT NAMED ON BIRTH CERTIFICATE.—To meet the requirements of this section, in the case of a request by a person who is not named on the birth certificate, a State must require the presentation of legal authorization to request the birth certificate before issuance.

(3) ISSUANCE TO FAMILY MEMBERS.—Not later than one year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services and the States, shall establish minimum standards for issuance of a birth certificate to specific family members, their authorized representatives, and others who demonstrate that the certificate is needed for the protection of the requestor's personal or property rights.

(4) WAIVERS.—A State may waive the requirements set forth in subparagraphs (A) through (C) of subsection (c)(1) in exceptional circumstances, such as the incapacitation of the registrant.

(5) APPLICATIONS BY ELECTRONIC MEANS.—To meet the requirements of this section, for applications by electronic means, through the mail or by phone or fax, a State shall employ third party verification, or equivalent verification, of the identity of the requestor.

(6) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall verify the documents used to provide proof of identity of the requestor.

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt, at a minimum, the following practices in the issuance and administration of birth certificates:

(1) Establish and implement minimum building security standards for State and local vital record offices.

(2) Restrict public access to birth certificates and information gathered in the issuance process to ensure that access is restricted to entities with which the State has a binding privacy protection agreement.

(3) Subject all persons with access to vital records to appropriate security clearance requirements.

(4) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance process.

(5) Establish and implement internal operating system standards for paper and for electronic systems.

(6) Establish a central database that can provide interoperative data exchange with other States and with Federal agencies, subject to privacy restrictions and confirmation of the authority and identity of the requestor.

(7) Ensure that birth and death records are matched in a comprehensive and timely manner, and that all electronic birth records and paper birth certificates of decedents are marked ''deceased''.

(8) Cooperate with the Secretary in the implementation of electronic verification of vital events under section 3065.

SEC. 3064. ESTABLISHMENT OF ELECTRONIC BIRTH AND DEATH REGISTRATION SYSTEMS.

In consultation with the Secretary of Health and Human Services and the Commissioner of Social Security, the Secretary shall take the following actions:

(1) Work with the States to establish a common data set and common data exchange protocol for electronic birth registration systems and death registration systems.

(2) Coordinate requirements for such systems to align with a national model.

(3) Ensure that fraud prevention is built into the design of electronic vital registration systems in the collection of vital event data, the issuance of birth certificates, and the exchange of data among government agencies.

(4) Ensure that electronic systems for issuing birth certificates, in the form of printed abstracts of birth records or digitized images, employ a common format of the certified copy, so that those requiring such documents can quickly confirm their validity.

(5) Establish uniform field requirements for State birth registries.

(6) Not later than 1 year after the date of the enactment of this Act, establish a process with the Department of Defense that will result in the sharing of data, with the States and the Social Security Administration, regarding deaths of United States military personnel and the birth and death of their dependents.

(7) Not later than 1 year after the date of the enactment of this Act, establish a process with the Department of State to improve registration, notification, and the sharing of data with the States and the Social Security Administration, regarding births and deaths of United States citizens abroad.

(8) Not later than 3 years after the date of establishment of databases provided for under this section, require States to record and retain electronic records of pertinent identification information collected from requestors who are not the registrants.

(9) Not later than 6 months after the date of the enactment of this Act, submit to Congress, a report on whether there is a need for Federal laws to address penalties for fraud and misuse of vital records and whether violations are sufficiently enforced.

SEC. 3065. ELECTRONIC VERIFICATION OF VITAL EVENTS.

(a) LEAD AGENCY.—The Secretary shall lead the implementation of electronic verification of a person's birth and death.

(b) REGULATIONS.—In carrying out subsection (a), the Secretary shall issue regulations to establish a means by which authorized Federal and State agency users with a single interface will be able to generate an electronic query to any participating vital records jurisdiction throughout the Nation to verify the contents of a paper birth certificate. Pursuant to the regulations, an electronic response from the participating vital records jurisdiction as to whether there is a birth record in their database that matches the paper birth certificate will be returned to the user, along with an indication if the matching birth record has been flagged ''deceased''. The regulations shall take effect not later than 5 years after the date of the enactment of this Act.

SEC. 3066. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this chapter.

(b) 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 chapter.

SEC. 3067. AUTHORITY.

(a) PARTICIPATION WITH FEDERAL AGENCIES AND STATES.—All authority to issue regulations, certify standards, and issue grants under this chapter shall be carried out by the Secretary, with the concurrence of the Secretary of Health and Human Services and in consultation with State vital statistics offices and appropriate Federal agencies.

(b) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 3063(a)(1) if the State provides adequate justification for noncompliance.

Chapter 3—Measures To Enhance Privacy and Integrity of Social Security Account Numbers

SEC. 3071. PROHIBITION OF THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON DRIVER'S LICENSES OR MOTOR VEHICLE REGISTRATIONS.

(a) IN GENERAL.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(1) by inserting ''(I)'' after ''(vi)''; and

(2) by adding at the end the following new subclause:

''(II) Any State or political subdivision thereof (and any person acting as an agent of such an agency or instrumentality), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display a social security account number issued by the Commissioner of Social Security (or any derivative of such number) on any driver's license or motor vehicle registration or any other document issued by such State or political subdivision to an individual for purposes of identification of such individual or include on any such license, registration, or other document a magnetic strip, bar code, or other means of communication which conveys such number (or derivative thereof).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to licenses, registrations, and other documents issued or reissued after 1 year after the date of the enactment of this Act.

SEC. 3072. INDEPENDENT VERIFICATION OF BIRTH RECORDS PROVIDED IN SUPPORT OF APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS.

(a) APPLICATIONS FOR SOCIAL SECURITY ACCOUNT NUMBERS.—Section 205(c)(2)(B)(ii) of the Social Security Act (42 U.S.C. 405(c)(2)(B)(ii)) is amended—

(1) by inserting ''(I)'' after ''(ii)''; and

(2) by adding at the end the following new subclause:

''(II) With respect to an application for a social security account number for an individual, other than for purposes of enumeration at birth, the Commissioner shall require independent verification of any birth record provided by the applicant in support of the application. The Commissioner may provide by regulation for reasonable exceptions from the requirement for independent verification under this subclause in any case in which the Commissioner determines there is minimal opportunity for fraud.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to applications filed after 270 days after the date of the enactment of this Act.

(c) STUDY REGARDING APPLICATIONS FOR REPLACEMENT SOCIAL SECURITY CARDS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to test the feasibility and cost effectiveness of verifying all identification documents submitted by an applicant for a replacement social security card. As part of such study, the Commissioner shall determine the feasibility of, and the costs associated with, the development of appropriate electronic processes for third party verification of any such identification documents which are issued by agencies and instrumentalities of the Federal Government and of the States (and political subdivisions thereof).

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for verifying identification documents submitted by applicants for replacement social security cards.

SEC. 3073. ENUMERATION AT BIRTH.

(a) IMPROVEMENT OF APPLICATION PROCESS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake to make improvements to the enumeration at birth program for the issuance of social security account numbers to newborns. Such improvements shall be designed to prevent—

(A) the assignment of social security account numbers to unnamed children;

(B) the issuance of more than 1 social security account number to the same child; and

(C) other opportunities for fraudulently obtaining a social security account number.

(2) REPORT TO THE CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall transmit to each House of the Congress a report specifying in detail the extent to which the improvements required under paragraph (1) have been made.

(b) STUDY REGARDING PROCESS FOR ENUMERATION AT BIRTH.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to determine the most efficient options for ensuring the integrity of the process for enumeration at birth. Such study shall include an examination of available methods for reconciling hospital birth records with birth registrations submitted to agencies of States and political subdivisions thereof and with information provided to the Commissioner as part of the process for enumeration at birth.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under paragraph (1). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary to implement needed improvements in the process for enumeration at birth.

SEC. 3074. STUDY RELATING TO USE OF PHOTOGRAPHIC IDENTIFICATION IN CONNECTION WITH APPLICATIONS FOR BENEFITS, SOCIAL SECURITY ACCOUNT NUMBERS, AND SOCIAL SECURITY CARDS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security shall undertake a study to—

(1) determine the best method of requiring and obtaining photographic identification of applicants for old-age, survivors, and disability insurance benefits under title II of the Social Security Act, for a social security account number, or for a replacement social security card, and of providing for reasonable exceptions to any requirement for photographic identification of such applicants that may be necessary to promote efficient and effective administration of such title, and

(2) evaluate the benefits and costs of instituting such a requirement for photographic identification, including the degree to which the security and integrity of the old-age, survivors, and disability insurance program would be enhanced.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under subsection (a). Such report shall contain such recommendations for legislative changes as the Commissioner considers necessary relating to requirements for photographic identification of applicants described in subsection (a).

SEC. 3075. RESTRICTIONS ON ISSUANCE OF MULTIPLE REPLACEMENT SOCIAL SECURITY CARDS.

(a) IN GENERAL.—Section 205(c)(2)(G) of the Social Security Act (42 U.S.C. 405(c)(2)(G)) is amended by adding at the end the following new sentence: ''The Commissioner shall restrict the issuance of multiple replacement social security cards to any individual to 3 per year and to 10 for the life of the individual, except in any case in which the Commissioner determines there is minimal opportunity for fraud.''.

(b) REGULATIONS AND EFFECTIVE DATE.—The Commissioner of Social Security shall issue regulations under the amendment made by subsection (a) not later than 1 year after the date of the enactment of this Act. Systems controls developed by the Commissioner pursuant to such amendment shall take effect upon the earlier of the issuance of such regulations or the end of such 1-year period.

SEC. 3076. STUDY RELATING TO MODIFICATION OF THE SOCIAL SECURITY ACCOUNT NUMBERING SYSTEM TO SHOW WORK AUTHORIZATION STATUS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall undertake a study to examine the best method of modifying the social security account number assigned to individuals who—

(1) are not citizens of the United States,

(2) have not been admitted for permanent residence, and

(3) are not authorized by the Secretary of Homeland Security to work in the United States, or are so authorized subject to one or more restrictions,

so as to include an indication of such lack of authorization to work or such restrictions on such an authorization.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate regarding the results of the study undertaken under this section. Such report shall include the Commissioner's recommendations of feasible options for modifying the social security account number in the manner described in subsection (a).

Subtitle C—Targeting Terrorist Travel

SEC. 3081. STUDIES ON MACHINE-READABLE PASSPORTS AND TRAVEL HISTORY DATABASE.

(a) IN GENERAL.—Not later than May 31, 2005, the Comptroller General of the United States, the Secretary of State, and the Secretary of Homeland Security each shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate the results of a separate study on the subjects described in subsection (c).

(b) STUDY.—The study submitted by the Secretary of State under subsection (a) shall be completed by the Office of Visa and Passport Control of the Department of State, in coordination with the appropriate officials of the Department of Homeland Security.

(c) CONTENTS.—The studies described in subsection (a) shall examine the feasibility, cost, potential benefits, and relative importance to the objectives of tracking suspected terrorists' travel, and apprehending suspected terrorists, of each of the following:

(1) Requiring nationals of all countries to present machine-readable, tamper-resistant passports that incorporate biometric and document authentication identifiers.

(2) Creation of a database containing information on the lifetime travel history of each foreign national or United States citizen who might seek to enter the United States or another country at any time, in order that border and visa issuance officials may ascertain the travel history of a prospective entrant by means other than a passport.

(d) INCENTIVES.—The studies described in subsection (a) shall also make recommendations on incentives that might be offered to encourage foreign nations to participate in the initiatives described in paragraphs (1) and (2) of subsection (c).

SEC. 3082. EXPANDED PREINSPECTION AT FOREIGN AIRPORTS.

(a) IN GENERAL.—Section 235A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)) is amended—

(1) by striking ''October 31, 2000,'' and inserting ''January 1, 2008,'';

(2) by striking ''5 additional'' and inserting ''at least 15 and up to 25 additional'';

(3) by striking ''number of aliens'' and inserting ''number of inadmissible aliens, especially aliens who are potential terrorists,'';

(4) by striking ''who are inadmissible to the United States.'' and inserting a period; and

(5) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''.

(b) REPORT.—Not later than June 30, 2006, the Secretary of Homeland Security and the Secretary of State shall report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate on the progress being made in implementing the amendments made by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a)—

(1) $24,000,000 for fiscal year 2005;

(2) $48,000,000 for fiscal year 2006; and

(3) $97,000,000 for fiscal year 2007.

SEC. 3083. IMMIGRATION SECURITY INITIATIVE.

(a) IN GENERAL.—Section 235A(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) is amended—

(1) in the subsection heading, by inserting ''AND IMMIGRATION SECURITY INITIATIVE'' after ''PROGRAM''; and

(2) by adding at the end the following:

''Beginning not later than December 31, 2006, the number of airports selected for an assignment under this subsection shall be at least 50.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a)—

(1) $25,000,000 for fiscal year 2005;

(2) $40,000,000 for fiscal year 2006; and

(3) $40,000,000 for fiscal year 2007.

SEC. 3084. RESPONSIBILITIES AND FUNCTIONS OF CONSULAR OFFICERS.

(a) INCREASED NUMBER OF CONSULAR OFFICERS.—The Secretary of State, in each of fiscal years 2006 through 2009, may increase by 150 the number of positions for consular officers above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) LIMITATION ON USE OF FOREIGN NATIONALS FOR NONIMMIGRANT VISA SCREENING.—Section 222(d) of the Immigration and Nationality Act (8 U.S.C. 1202(d)) is amended by adding at the end the following:

''All nonimmigrant visa applications shall be reviewed and adjudicated by a consular officer.''.

(c) TRAINING FOR CONSULAR OFFICERS IN DETECTION OF FRAUDULENT DOCUMENTS.—Section 305(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1734(a)) is amended by adding at the end the following: ''As part of the consular training provided to such officers by the Secretary of State, such officers shall also receive training in detecting fraudulent documents and general document forensics and shall be required as part of such training to work with immigration officers conducting inspections of applicants for admission into the United States at ports of entry.''.

(d) ASSIGNMENT OF ANTI-FRAUD SPECIALISTS.—

(1) SURVEY REGARDING DOCUMENT FRAUD.—The Secretary of State, in coordination with the Secretary of Homeland Security, shall conduct a survey of each diplomatic and consular post at which visas are issued to assess the extent to which fraudulent documents are presented by visa applicants to consular officers at such posts.

(2) PLACEMENT OF SPECIALIST.—Not later than July 31, 2005, the Secretary shall, in coordination with the Secretary of Homeland Security, identify 100 of such posts that experience the greatest frequency of presentation of fraudulent documents by visa applicants. The Secretary shall place in each such post at least one full-time anti-fraud specialist employed by the Department of State to assist the consular officers at each such post in the detection of such fraud.

SEC. 3085. INCREASE IN PENALTIES FOR FRAUD AND RELATED ACTIVITY.

Section 1028 of title 18, United States Code, relating to penalties for fraud and related activity in connection with identification documents and information, is amended—

(1) in subsection (b)(1)(A)(i), by striking ''issued by or under the authority of the United States'' and inserting the following: ''as described in subsection (d)'';

(2) in subsection (b)(2), by striking ''three years'' and inserting ''six years'';

(3) in subsection (b)(3), by striking ''20 years'' and inserting ''25 years'';

(4) in subsection (b)(4), by striking ''25 years'' and inserting ''30 years''; and

(5) in subsection (c)(1), by inserting after ''United States'' the following: ''Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization,''.

SEC. 3086. CRIMINAL PENALTY FOR FALSE CLAIM TO CITIZENSHIP.

Section 1015 of title 18, United States Code, is amended—

(1) by striking the dash at the end of subsection (f) and inserting ''; or''; and

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

''(g) Whoever knowingly makes any false statement or claim that he is a citizen of the United States in order to enter into, or remain in, the United States—''.

SEC. 3087. ANTITERRORISM ASSISTANCE TRAINING OF THE DEPARTMENT OF STATE.

(a) LIMITATION.—Notwithstanding any other provision of law, the Secretary of State shall ensure, subject to subsection (b), that the Antiterrorism Assistance Training (ATA) program of the Department of State (or any successor or related program) under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) (or other relevant provisions of law) is carried out primarily to provide training to host nation security services for the specific purpose of ensuring the physical security and safety of United States Government facilities and personnel abroad (as well as foreign dignitaries and training related to the protection of such dignitaries), including security detail training and offenses related to passport or visa fraud.

(b) EXCEPTION.—The limitation contained in subsection (a) shall not apply, and the Secretary of State may expand the ATA program to include other types of antiterrorism assistance training, if the Secretary first obtains the approval of the Attorney General and provides written notification of such proposed expansion to the appropriate congressional committees.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on International Relations and the Committee on the Judiciary of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

SEC. 3088. INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL THROUGH THE USE OF FRAUDULENTLY OBTAINED DOCUMENTS.

(a) FINDINGS.—Congress finds the following:

(1) International terrorists travel across international borders to raise funds, recruit members, train for operations, escape capture, communicate, and plan and carry out attacks.

(2) The international terrorists who planned and carried out the attack on the World Trade Center on February 26, 1993, the attack on the embassies of the United States in Kenya and Tanzania on August 7, 1998, the attack on the USS Cole on October 12, 2000, and the attack on the World Trade Center and the Pentagon on September 11, 2001, traveled across international borders to plan and carry out these attacks.

(3) The international terrorists who planned other attacks on the United States, including the plot to bomb New York City landmarks in 1993, the plot to bomb the New York City subway in 1997, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled across international borders to plan and carry out these attacks.

(4) Many of the international terrorists who planned and carried out large-scale attacks against foreign targets, including the attack in Bali, Indonesia, on October 11, 2002, and the attack in Madrid, Spain, on March 11, 2004, traveled across international borders to plan and carry out these attacks.

(5) Throughout the 1990s, international terrorists, including those involved in the attack on the World Trade Center on February 26, 1993, the plot to bomb New York City landmarks in 1993, and the millennium plot to bomb Los Angeles International Airport on December 31, 1999, traveled on fraudulent passports and often had more than one passport.

(6) Two of the September 11, 2001, hijackers were carrying passports that had been manipulated in a fraudulent manner and several other hijackers whose passports did not survive the attacks on the World Trade Center and Pentagon were likely to have carried passports that were similarly manipulated.

(7) The National Commission on Terrorist Attacks upon the United States, (commonly referred to as the 9/11 Commission), stated that ''Targeting travel is at least as powerful a weapon against terrorists as targeting their money.''.

(b) INTERNATIONAL AGREEMENTS TO TRACK AND CURTAIL TERRORIST TRAVEL.—

(1) INTERNATIONAL AGREEMENT ON LOST, STOLEN, OR FALSIFIED DOCUMENTS.—The President shall lead efforts to track and curtail the travel of terrorists by supporting the drafting, adoption, and implementation of international agreements, and by supporting the expansion of existing international agreements, to track and stop international travel by terrorists and other criminals through the use of lost, stolen, or falsified documents to augment existing United Nations and other international anti-terrorism efforts.

(2) CONTENTS OF INTERNATIONAL AGREEMENT.—The President shall seek, in the appropriate fora, the drafting, adoption, and implementation of an effective international agreement requiring—

(A) the establishment of a system to share information on lost, stolen, and fraudulent passports and other travel documents for the purposes of preventing the undetected travel of persons using such passports and other travel documents that were obtained improperly;

(B) the establishment and implementation of a real-time verification system of passports and other travel documents with issuing authorities;

(C) the assumption of an obligation by countries that are parties to the agreement to share with officials at ports of entry in any such country information relating to lost, stolen, and fraudulent passports and other travel documents;

(D) the assumption of an obligation by countries that are parties to the agreement—

(i) to criminalize—

(I) the falsification or counterfeiting of travel documents or breeder documents for any purpose;

(II) the use or attempted use of false documents to obtain a visa or cross a border for any purpose;

(III) the possession of tools or implements used to falsify or counterfeit such documents;

(IV) the trafficking in false or stolen travel documents and breeder documents for any purpose;

(V) the facilitation of travel by a terrorist; and

(VI) attempts to commit, including conspiracies to commit, the crimes specified above;

(ii) to impose significant penalties so as to appropriately punish violations and effectively deter these crimes; and

(iii) to limit the issuance of citizenship papers, passports, identification documents, and the like to persons whose identity is proven to the issuing authority, who have a bona fide entitlement to or need for such documents, and who are not issued such documents principally on account of a disproportional payment made by them or on their behalf to the issuing authority;

(E) the provision of technical assistance to State Parties to help them meet their obligations under the convention;

(F) the establishment and implementation of a system of self-assessments and peer reviews to examine the degree of compliance with the convention; and

(G) an agreement that would permit immigration and border officials to confiscate a lost, stolen, or falsified passport at ports of entry and permit the traveler to return to the sending country without being in possession of the lost, stolen, or falsified passport, and for the detention and investigation of such traveler upon the return of the traveler to the sending country.

(3) INTERNATIONAL CIVIL AVIATION ORGANIZATION.—The United States shall lead efforts to track and curtail the travel of terrorists by supporting efforts at the International Civil Aviation Organization to continue to strengthen the security features of passports and other travel documents.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and at least annually thereafter, the President shall submit to the appropriate congressional committees a report on progress toward achieving the goals described in subsection (b).

(2) TERMINATION.—Paragraph (1) shall cease to be effective when the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the goals described in subsection (b) have been fully achieved.

SEC. 3089. INTERNATIONAL STANDARDS FOR TRANSLATION OF NAMES INTO THE ROMAN ALPHABET FOR INTERNATIONAL TRAVEL DOCUMENTS AND NAME-BASED WATCHLIST SYSTEMS.

(a) FINDINGS.—Congress finds that—

(1) the current lack of a single convention for translating Arabic names enabled some of the 19 hijackers of aircraft used in the terrorist attacks against the United States that occurred on September 11, 2001, to vary the spelling of their names to defeat name-based terrorist watchlist systems and to make more difficult any potential efforts to locate them; and

(2) although the development and utilization of terrorist watchlist systems using biometric identifiers will be helpful, the full development and utilization of such systems will take several years, and name-based terrorist watchlist systems will always be useful.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should seek to enter into an international agreement to modernize and improve standards for the translation of names into the Roman alphabet in order to ensure one common spelling for such names for international travel documents and name-based watchlist systems.

SEC. 3090. BIOMETRIC ENTRY AND EXIT DATA SYSTEM.

(a) FINDING.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, the 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 Act of 2001 (Public Law 107–56).

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security 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 the enactment of this Act, the Secretary of Homeland Security shall integrate the biometric entry and exit data system with all databases and data systems maintained by U.S. 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 of Homeland Security, 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, the 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.—For purposes of this section, 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 of Homeland Security 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 of Homeland Security 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 the enactment of this Act, the Secretary of Homeland Security shall submit to the Congress a report describing the Department of Homeland Security's progress on the development and implementation of the plan required by this subsection.

(f) INTEGRATED BIOMETRIC ENTRY-EXIT SCREENING SYSTEM.—With respect to the biometric entry and exit data system referred to in subsections (a) and (b), such system shall accomplish the following:

(1) Ensure that the system's tracking capabilities encompass data related to all immigration benefits processing, including visa applications with the Department of State,

immigration related filings with the Department of Labor, cases pending before the Executive Office for Immigration review, and matters pending or under investigation before the Department of Homeland Security.

(2) Utilize a biometric based identity number tied to an applicant's biometric algorithm established under the entry and exit data system to track all immigration related matters concerning the applicant.

(3) Provide that all information about an applicant's immigration related history, including entry and exit history, can be queried through electronic means. Database access and usage guidelines shall include stringent safeguards to prevent misuse of data.

(4) Provide real-time updates to the information described in paragraph (3), including pertinent data from all agencies referenced in paragraph (1).

(5) Limit access to the information described in paragraph (4) (and any other database used for tracking immigration related processing or entry and exit) to personnel explicitly authorized to do so, and ensure that any such access may be ascertained by authorized persons by review of the person's access authorization code or number.

(6) Provide continuing education in counterterrorism techniques, tools, and methods for all Federal personnel employed in the evaluation of immigration documents and immigration-related policy.

(g) ENTRY-EXIT SYSTEM GOALS.—The Department of Homeland Security shall continue to implement the system described in subsections (a) and (b) in such a manner that it fulfills the following goals:

(1) Serves as a vital counterterrorism tool.

(2) Screens travelers efficiently and in a welcoming manner.

(3) Provides inspectors and related personnel with adequate real-time information.

(4) Ensures flexibility of training and security protocols to most effectively comply with security mandates.

(5) Integrates relevant databases and plans for database modifications to address volume increase and database usage.

(6) Improves database search capacities by utilizing language algorithms to detect alternate names.

(h) DEDICATED SPECIALISTS AND FRONT LINE PERSONNEL TRAINING.—In implementing the provisions of subsections (f) and (g), the Department of Homeland Security and the Department of State shall—

(1) develop cross-training programs that focus on the scope and procedures of the entry and exit data system;

(2) provide extensive community outreach and education on the entry and exit data system's procedures;

(3) provide clear and consistent eligibility guidelines for applicants in low-risk traveler programs; and

(4) establish ongoing training modules on immigration law to improve adjudications at our ports of entry, consulates, and embassies.

(i) INFORMATION ACCURACY STANDARDS.—

(1) AUTHORIZED OFFICERS.—Any information placed in the entry and exit data system shall be entered by authorized officers in compliance with established procedures that guarantee the identification of the person placing the information.

(2) DATA COLLECTED FROM FOREIGN NATIONALS.—The Secretary of Homeland Security, the Secretary of State, and the Attorney General, after consultation with directors of the relevant intelligence agencies, shall standardize the information and data collected from foreign nationals as well as the procedures utilized to collect such data to ensure that the information is consistent and of value to officials accessing that data across multiple agencies.

(j) ACCESSIBILITY.—The Secretary of Homeland Security, the Secretary of State, the Attorney General, and the head of any other department or agency that possesses authority to enter data related to the immigration status of foreign nationals, including lawful permanent resident aliens, or where such information could serve to impede lawful admission of United States citizens to the United States, shall each establish guidelines related to data entry procedures. Such guidelines shall—

(1) strictly limit the agency personnel authorized to enter data into the system;

(2) identify classes of information to be designated as temporary or permanent entries, with corresponding expiration dates for temporary entries; and

(3) identify classes of prejudicial information requiring additional authority of supervisory personnel prior to entry.

(k) SYSTEM ADAPTABILITY.—

(1) IN GENERAL.— Each agency authorized to enter data related to the immigration status of any persons identified in subsection (f) shall develop and implement system protocols to—

(A) correct erroneous data entries in a timely and effective manner;

(B) clarify information known to cause false hits or misidentification errors; and

(C) update all relevant information that is dispositive to the adjudicatory or admission process.

(2) CENTRALIZING AND STREAMLINING CORRECTION PROCESS.—The President or agency director so designated by the President shall establish a clearinghouse bureau as part of the Department of Homeland Security to centralize and streamline the process through which members of the public can seek corrections to erroneous or inaccurate information related to immigration status, or which otherwise impedes lawful admission to the United States, contained in agency databases. Such process shall include specific time schedules for reviewing data correction requests, rendering decisions on such requests, and implementing appropriate corrective action in a timely manner.

(l) TRAINING.—Agency personnel authorized to enter data pursuant to subsection (i)(1) shall undergo extensive training in immigration law and procedure.

(m) IMPLEMENTATION AUDIT.—The Secretary of the Department of Homeland Security shall submit a report to the Congress not later than 6 months after the date of the enactment of this Act. The report shall detail activities undertaken to date to develop the biometric entry and exit data system, areas in which the system currently does not achieve the mandates set forth in this section, and the funding, infrastructure, technology and other factors needed to complete the system, as well as a detailed time frame in which the completion of the system will be achieved.

(n) REPORTS.—

(1) JOINT BIANNUAL REPORTS.—The Secretaries of the Departments of State and Homeland Security jointly shall report biannually to the Congress on the following:

(A) Current infrastructure and staffing at each port of entry and each consular post.

(B) The numbers of immigrant and nonimmigrant visas issued.

(C) the numbers of individuals subject to expedited removal at the ports of entry, as well as within 100 miles of the United States border.

(D) The plan for enhanced database review at entry.

(E) The number of suspected terrorists and criminals intercepted utilizing the biometric entry and exit data system.

(F) The funds spent in the preceding fiscal year to achieve the mandates of this section.

(G) Areas in which they failed to achieve these mandates, and the steps they are taking to address these deficiencies.

(2) PORTS OF ENTRY.—For ports of entry, similar information shall be provided including the number of I–94s issued, immigrant visa admissions made, and nonimmigrant admissions.

(3) STATUS REPORT ON COMPLIANCE WITH ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of State, after consultation with the Director of the National Institute of Standards and Technology and the Commission on Interoperable Data Sharing, shall issue a report addressing the following:

(A) The status of agency compliance with the mandates set forth in section 202 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1722).

(B) The status of agency compliance with section 201(c)(3) of such Act (8 U.S.C. 1721(c)(3)).

(4) STATUS REPORT ON COMPLIANCE WITH SECTION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security, the Secretary of State, the Attorney General, and the head of any other department or agency bound by the mandates in this section, shall issue both individual status reports and a joint status report detailing compliance with each mandate contained in this section.

(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security, for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out the provisions of this section.

SEC. 3091. ENHANCED RESPONSIBILITIES OF THE COORDINATOR FOR COUNTERTERRORISM.

(a) DECLARATION OF UNITED STATES POLICY.—Congress declares that it shall be the policy of the United States to—

(1) make combating terrorist travel and those who assist them a priority for the United States counterterrorism policy; and

(2) ensure that the information relating to individuals who help facilitate terrorist travel by creating false passports, visas, documents used to obtain such travel documents, and other documents are fully shared within the United States Government and, to the extent possible, with and from foreign governments, in order to initiate United States and foreign prosecutions of such individuals.

(b) AMENDMENT.—Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)) is amended by adding at the end the following:

''(C) ADDITIONAL DUTIES RELATING TO TERRORIST TRAVEL.—In addition to the principal duties of the Coordinator described in subparagraph (B), the Coordinator shall analyze methods used by terrorists to travel internationally, develop policies with respect to curtailing terrorist travel, and coordinate such policies with the appropriate bureaus and other entities of the Department of State, other United States Government agencies, the Human Trafficking and Smuggling Center, and foreign governments.''.

SEC. 3092. ESTABLISHMENT OF OFFICE OF VISA AND PASSPORT SECURITY IN THE DEPARTMENT OF STATE.

(a) ESTABLISHMENT.—There is established within the Bureau of Diplomatic Security of the Department of State an Office of Visa and Passport Security (in this section referred to as the ''Office'').

(b) HEAD OF OFFICE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the head of the Office

shall be an individual who shall have the rank and status of Deputy Assistant Secretary of State for Diplomatic Security (in this section referred to as the ''Deputy Assistant Secretary'').

(2) RECRUITMENT.—The Under Secretary of State for Management shall chose the Deputy Assistant Secretary from among individuals who are Diplomatic Security Agents.

(3) QUALIFICATIONS.—The Diplomatic Security Agent chosen to serve as the Deputy Assistant Secretary shall have expertise and experience in investigating and prosecuting visa and passport fraud.

(c) DUTIES.—

(1) PREPARATION OF STRATEGIC PLAN.—

(A) IN GENERAL.—The Deputy Assistant Secretary, in coordination with the appropriate officials of the Department of Homeland Security, shall ensure the preparation of a strategic plan to target and disrupt individuals and organizations at home and in foreign countries that are involved in the fraudulent production, distribution, use, or other similar activity—

(i) of a United States visa or United States passport;

(ii) of documents intended to help fraudulently procure a United States visa or United States passport, or other documents intended to gain unlawful entry into the United States; or

(iii) of passports and visas issued by foreign countries intended to gain unlawful entry into the United States.

(B) EMPHASIS.—Such plan shall—

(i) focus particular emphasis on individuals and organizations that may have links to domestic terrorist organizations or foreign terrorist organizations (as such term is defined in Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189));

(ii) require the development of a strategic training course under the Antiterrorism Assistance Training (ATA) program of the Department of State (or any successor or related program) under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.) (or other relevant provisions of law) to train participants in the identification of fraudulent documents and the forensic detection of such documents which may be used to obtain unlawful entry into the United States; and

(iii) determine the benefits and costs of providing technical assistance to foreign governments to ensure the security of passports, visas, and related documents and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents to obtain such passports and visas, and other types of travel documents.

(2) DUTIES OF OFFICE.—The Office shall have the following duties:

(A) ANALYSIS OF METHODS.—Analyze methods used by terrorists to travel internationally, particularly the use of false or altered travel documents to illegally enter foreign countries and the United States, and advise the Bureau of Consular Affairs and the Secretary of Homeland Security on recommended changes to the visa issuance process that could combat such methods, including the introduction of new technologies into such process.

(B) IDENTIFICATION OF INDIVIDUALS AND DOCUMENTS.—Identify, in cooperation with the Human Trafficking and Smuggling Center, individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents, and ensure that the appropriate agency is notified for further investigation and prosecution or, in the case of such individuals abroad for which no further investigation or prosecution is initiated, ensure that all appropriate information is shared with foreign governments in order to facilitate investigation, arrest, and prosecution of such individuals.

(C) IDENTIFICATION OF FOREIGN COUNTRIES NEEDING ASSISTANCE.—Identify foreign countries that need technical assistance, such as law reform, administrative reform, prosecutorial training, or assistance to police and other investigative services, to ensure passport, visa, and related document security and to investigate, arrest, and prosecute individuals who facilitate travel by the creation of false passports and visas, documents used to obtain such passports and visas, and other types of travel documents.

(D) INSPECTION OF APPLICATIONS.—Randomly inspect visa and passport applications for accuracy, efficiency, and fraud, especially at high terrorist threat posts, in order to prevent a recurrence of the issuance of visas to those who submit incomplete, fraudulent, or otherwise irregular or incomplete applications.

(3) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Deputy Assistant Secretary shall submit to Congress a report containing—

(A) a description of the strategic plan prepared under paragraph (1); and

(B) an evaluation of the feasibility of establishing civil service positions in field offices of the Bureau of Diplomatic Security to investigate visa and passport fraud, including an evaluation of whether to allow diplomatic security agents to convert to civil service officers to fill such positions.

Subtitle D—Terrorist Travel

SEC. 3101. INFORMATION SHARING AND COORDINATION.

The Secretary of Homeland Security shall establish a mechanism to—

(1) ensure the coordination and dissemination of terrorist travel intelligence and operational information among the appropriate agencies within the Department of Homeland Security, including the Bureau of Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, the Bureau of Citizenship and Immigration Services, the Transportation Security Administration, the Coast Guard, and other agencies as directed by the Secretary; and

(2) ensure the sharing of terrorist travel intelligence and operational information with the Department of State, the National Counterterrorism Center, and other appropriate Federal agencies.

SEC. 3102. TERRORIST TRAVEL PROGRAM.

The Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center, shall establish a program to—

(1) analyze and utilize information and intelligence regarding terrorist travel tactics, patterns, trends, and practices; and

(2) disseminate that information to all front-line Department of Homeland Security personnel who are at ports of entry or between ports of entry, to immigration benefits offices, and, in coordination with the Secretary of State, to appropriate individuals at United States embassies and consulates.

SEC. 3103. TRAINING PROGRAM.

(a) REVIEW, EVALUATION, AND REVISION OF EXISTING TRAINING PROGRAMS.—The Secretary of Homeland Security shall—

(1) review and evaluate the training currently provided to Department of Homeland Security personnel and, in consultation with the Secretary of State, relevant Department of State personnel with respect to travel and identity documents, and techniques, patterns, and trends associated with terrorist travel; and

(2) develop and implement a revised training program for border, immigration, and consular officials in order to teach such officials how to effectively detect, intercept, and disrupt terrorist travel.

(b) REQUIRED TOPICS OF REVISED PROGRAMS.—The training program developed under subsection (a)(2) shall include training in the following areas:

(1) Methods for identifying fraudulent and genuine travel documents.

(2) Methods for detecting terrorist indicators on travel documents and other relevant identity documents.

(3) Recognizing travel patterns, tactics, and behaviors exhibited by terrorists.

(4) Effectively utilizing information contained in databases and data systems available to the Department of Homeland Security.

(5) Other topics determined to be appropriate by the Secretary of Homeland Security in consultation with the Secretary of State or the National Intelligence Director.

SEC. 3104. TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the Congress a plan to ensure that the Department of Homeland Security and the Department of State 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.

(b) INTEROPERABILITY REQUIREMENT.—To the extent possible, technologies to be acquired and deployed under the plan shall be compatible with current systems used by the Department of Homeland Security to detect and identify fraudulent documents and genuine documents.

(c) PASSPORT SCREENING.—The plan shall address the feasibility of using such technologies to screen passports submitted for identification purposes to a United States consular, border, or immigration official.

Subtitle E—Maritime Security Requirements

SEC. 3111. DEADLINES FOR IMPLEMENTATION OF MARITIME SECURITY REQUIREMENTS.

(a) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—Section 70103(a) of the 46, United States Code, is amended by striking ''The Secretary'' and inserting ''Not later than December 31, 2004, the Secretary''.

(b) FACILITY AND VESSEL VULNERABILITY ASSESSMENTS.—Section 70102(b)(1) of the 46, United States Code, is amended by striking '', the Secretary'' and inserting ''and by not later than December 31, 2004, the Secretary''.

(c) TRANSPORTATION SECURITY CARD REGULATIONS.—Section 70105(a) of the 46, United States Code, is amended by striking ''The Secretary'' and inserting ''Not later than December 31, 2004, the Secretary''.

TITLE IV—INTERNATIONAL COOPERATION AND COORDINATION

Subtitle A—Attack Terrorists and Their Organizations

CHAPTER 1—PROVISIONS RELATING TO TERRORIST SANCTUARIES

SEC. 4001. UNITED STATES POLICY ON TERRORIST SANCTUARIES.

It is the sense of Congress that it should be the policy of the United States—

(1) to identify and prioritize foreign countries that are or that could be used as terrorist sanctuaries;

(2) to assess current United States resources being provided to such foreign countries;

(3) to develop and implement a coordinated strategy to prevent terrorists from using such foreign countries as sanctuaries; and

(4) to work in bilateral and multilateral fora to prevent foreign countries from being used as terrorist sanctuaries.

SEC. 4002. REPORTS ON TERRORIST SANCTUARIES.

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to Congress a report that describes a strategy for addressing and, where possible, eliminating terrorist sanctuaries.

(2) CONTENT.—The report required under this subsection shall include the following:

(A) A list that prioritizes each actual and potential terrorist sanctuary and a description of activities in the actual and potential sanctuaries.

(B) An outline of strategies for preventing the use of, disrupting, or ending the use of such sanctuaries.

(C) A detailed description of efforts, including an assessment of successes and setbacks, by the United States to work with other countries in bilateral and multilateral fora to address or eliminate each actual or potential terrorist sanctuary and disrupt or eliminate the security provided to terrorists by each such sanctuary.

(D) A description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries.

(b) SUBSEQUENT REPORTS.—

(1) REQUIREMENT OF REPORTS.—Section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)(1)) is amended—

(A) by striking ''(1)'' and inserting ''(1)(A)'';

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(C) in subparagraph (A)(iii) (as redesignated), by adding ''and'' at the end; and

(D) by adding at the end the following:

''(B) detailed assessments with respect to each foreign country whose territory is being used or could potentially be used as a sanctuary for terrorists or terrorist organizations;''.

(2) PROVISIONS TO BE INCLUDED IN REPORT.—Section 140(b) of such Act (22 U.S.C. 2656f(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)''; and

(ii) by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) with respect to subsection (a)(1)(B)—

''(A) the extent of knowledge by the government of the country with respect to terrorist activities in the territory of the country; and

''(B) the actions by the country—

''(i) to eliminate each terrorist sanctuary in the territory of the country;

''(ii) to cooperate with United States antiterrorism efforts; and

''(iii) to prevent the proliferation of and trafficking in weapons of mass destruction in and through the territory of the country;'';

(D) by striking the period at the end of paragraph (3) (as redesignated) and inserting a semicolon; and

(E) by inserting after paragraph (3) (as redesignated) the following:

''(4) a strategy for addressing and, where possible, eliminating terrorist sanctuaries that shall include—

''(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 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; and

''(D) a description of long-term goals and actions designed to reduce the conditions that allow the formation of terrorist sanctuaries;

''(5) an update of the information contained in the report required to be transmitted to Congress pursuant to section 4002(a)(2) of the 9/11 Recommendations Implementation Act;

''(6) to the extent practicable, complete statistical information on the number of individuals, including United States citizens and dual nationals, killed, injured, or kidnapped by each terrorist group during the preceding calendar year; and

''(7) an analysis, as appropriate, relating to trends in international terrorism, including changes in technology used, methods and targets of attacks, demographic information on terrorists, and other appropriate information.''.

(3) DEFINITIONS.—Section 140(d) of such Act (22 U.S.C. 2656f(d)) is amended—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) the term 'territory' and 'territory of the country' means the land, waters, and airspace of the country; and

''(5) the term 'terrorist sanctuary' or 'sanctuary' means an area in the territory of a country that is used by a terrorist group with the express or implied consent of the government of the country—

''(A) to carry out terrorist activities, including training, fundraising, financing, recruitment, and education activities; or

''(B) to provide transit through the country.''.

(4) EFFECTIVE DATE.—The amendments made by paragraphs (1), (2), and (3) apply with respect to the report required to be transmitted under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, by April 30, 2006, and by April 30 of each subsequent year.

SEC. 4003. AMENDMENTS TO EXISTING LAW TO INCLUDE TERRORIST SANCTUARIES.

(a) AMENDMENTS.—Section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

''(B) Any part of the territory of the country is being used as a sanctuary for terrorists or terrorist organizations.'';

(2) in paragraph (3), by striking ''paragraph (1)(A)'' and inserting ''subparagraph (A) or (B) of paragraph (1)'';

(3) by redesignating paragraph (5) as paragraph (6);

(4) by inserting after paragraph (4) the following:

''(5) A determination made by the Secretary of State under paragraph (1)(B) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs and the chairman of the Committee on Foreign Relations of the Senate before the proposed rescission would take effect a report certifying that the government of the country concerned —

''(A) is taking concrete, verifiable steps to eliminate each terrorist sanctuary in the territory of the country;

''(B) is cooperating with United States antiterrorism efforts; and

''(C) is taking all appropriate actions to prevent the proliferation of and trafficking in weapons of mass destruction in and through the territory of the country.''; and

(5) by inserting after paragraph (6) (as redesignated) the following:

''(7) In this subsection—

''(A) the term 'territory of the country' means the land, waters, and airspace of the country; and

''(B) the term 'terrorist sanctuary' or 'sanctuary' means an area in the territory of a country that is used by a terrorist group with the express or implied consent of the government of the country—

''(i) to carry out terrorist activities, including training, fundraising, financing, recruitment, and education activities; or

''(ii) to provide transit through the country.''.

(b) IMPLEMENTATION.—The President shall implement the amendments made by subsection (a) by exercising the authorities the President has under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

CHAPTER 2—OTHER PROVISIONS

SEC. 4011. APPOINTMENTS TO FILL VACANCIES IN ARMS CONTROL AND NONPROLIFERATION ADVISORY BOARD.

(a) REQUIREMENT.—Not later than December 31, 2004, the Secretary of State shall appoint individuals to the Arms Control and Nonproliferation Advisory Board to fill all vacancies in the membership of the Board that exist on the date of the enactment of this Act.

(b) CONSULTATION.—Appointments to the Board under subsection (a) shall be made in consultation with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 4012. REVIEW OF UNITED STATES POLICY ON PROLIFERATION OF WEAPONS OF MASS DESTRUCTION AND CONTROL OF STRATEGIC WEAPONS.

(a) REVIEW.—

(1) IN GENERAL.—The Undersecretary of State for Arms Control and International Security shall instruct the Arms Control and Nonproliferation Advisory Board (in this section referred to as the ''Advisory Board'') to carry out a review of existing policies of the United States relating to the proliferation of weapons of mass destruction and the control of strategic weapons.

(2) COMPONENTS.—The review required under this subsection shall contain at a minimum the following:

(A) An identification of all major deficiencies in existing United States policies relating to the proliferation of weapons of mass destruction and the control of strategic weapons.

(B) Proposals that contain a range of options that if implemented would adequately address any significant threat deriving from the deficiencies in existing United States policies described in subparagraph (A).

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than June 15, 2005, the Advisory Board shall prepare and submit to the Undersecretary of State for Arms Control and International Security an interim report that contains the initial results of the review carried out pursuant to subsection (a).

(2) FINAL REPORT.—Not later than December 1, 2005, the Advisory Board shall prepare

and submit to the Undersecretary of State for Arms Control and International Security, and to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, a final report that contains the comprehensive results of the review carried out pursuant to subsection (a).

(c) EXPERTS AND CONSULTANTS.— In carrying out this section, the Advisory Board may procure temporary and intermittent services of experts and consultants, including experts and consultants from nongovernmental organizations, under section 3109(b) of title 5, United States Code.

(d) FUNDING AND OTHER RESOURCES.—The Secretary of State shall provide to the Advisory Board an appropriate amount of funding and other resources to enable the Advisory Board to carry out this section.

SEC. 4013. INTERNATIONAL AGREEMENTS TO INTERDICT ACTS OF INTERNATIONAL TERRORISM.

Section 1(e)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)), as amended by section 3091(b), is further amended by adding at the end the following:

''(D) ADDITIONAL DUTIES RELATING TO INTERNATIONAL AGREEMENTS TO INTERDICT ACTS OF INTERNATIONAL TERRORISM.—

''(i) IN GENERAL.—In addition to the principal duties of the Coordinator described in subparagraph (B), the Coordinator, in consultation with relevant United States Government agencies, shall seek to negotiate on a bilateral basis international agreements under which parties to an agreement work in partnership to address and interdict acts of international terrorism.

''(ii) TERMS OF INTERNATIONAL AGREEMENT.—It is the sense of Congress that—

''(I) each party to an international agreement referred to in clause (i)—

''(aa) should be in full compliance with United Nations Security Council Resolution 1373 (September 28, 2001), other appropriate international agreements relating to antiterrorism measures, and such other appropriate criteria relating to antiterrorism measures;

''(bb) should sign and adhere to a 'Counterterrorism Pledge' and a list of 'Interdiction Principles', to be determined by the parties to the agreement;

''(cc) should identify assets and agree to multilateral efforts that maximizes the country's strengths and resources to address and interdict acts of international terrorism or the financing of such acts;

''(dd) should agree to joint training exercises among the other parties to the agreement; and

''(ee) should agree to the negotiation and implementation of other relevant international agreements and consensus-based international standards; and

''(II) an international agreement referred to in clause (i) should contain provisions that require the parties to the agreement—

''(aa) to identify regions throughout the world that are emerging terrorist threats;

''(bb) to establish terrorism interdiction centers in such regions and other regions, as appropriate;

''(cc) to deploy terrorism prevention teams to such regions, including United States-led teams; and

''(dd) to integrate intelligence, military, and law enforcement personnel from countries that are parties to the agreement in order to work directly with the regional centers described in item (bb) and regional teams described in item (cc).''.

SEC. 4014. EFFECTIVE COALITION APPROACH TOWARD DETENTION AND HUMANE TREATMENT OF CAPTURED TERRORISTS.

It is the sense of Congress that the President should pursue by all appropriate diplomatic means with countries that are participating in the Coalition to fight terrorism the development of an effective approach toward the detention and humane treatment of captured terrorists. The effective approach referred to in this section may, as appropriate, draw on Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316).

Subtitle B—Prevent the Continued Growth of Terrorism

CHAPTER 1—UNITED STATES PUBLIC DIPLOMACY

SEC. 4021. ANNUAL REVIEW AND ASSESSMENT OF PUBLIC DIPLOMACY STRATEGY.

(a) IN GENERAL.—The Secretary of State, in coordination with all appropriate Federal agencies, shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate an annual assessment of the impact of public diplomacy efforts on target audiences. Each assessment shall review the United States public diplomacy strategy worldwide and by region, including an examination of the allocation of resources and an evaluation and assessment of the progress in, and barriers to, achieving the goals set forth under previous plans submitted under this section. Not later than March 15 of every year, the Secretary shall submit the assessment required by this subsection.

(b) FURTHER ACTION.— On the basis of such review, the Secretary, in coordination with all appropriate Federal agencies, shall submit, as part of the annual budget submission, a public diplomacy strategy plan which specifies goals, agency responsibilities, and necessary resources and mechanisms for achieving such goals during the next fiscal year. The plan may be submitted in classified form.

SEC. 4022. PUBLIC DIPLOMACY TRAINING.

(a) STATEMENT OF POLICY.—It should be the policy of the United States:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) United States chiefs of mission should have a prominent role in the formulation of public diplomacy strategies for the countries and regions to which they are assigned and should be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) QUALIFICATIONS.—In the recruitment, training, and assignment of members of the Foreign Service, the Secretary of State shall emphasize the importance of public diplomacy and applicable skills and techniques. The Secretary shall consider the priority recruitment into the Foreign Service, at middle-level entry, of individuals with expertise and professional experience in public diplomacy, mass communications, or journalism. The Secretary shall give special consideration to individuals with language facility and experience in particular countries and regions.

(2) LANGUAGES OF SPECIAL INTEREST.—The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in predominantly Muslim countries. Such increase shall be accomplished through the recruitment of new officers and incentives for officers in service.

SEC. 4023. PROMOTING DIRECT EXCHANGES WITH MUSLIM COUNTRIES.

(a) DECLARATION OF POLICY.—Congress declares that the United States should commit to a long-term and sustainable investment in promoting engagement with people of all levels of society in countries with predominantly Muslim populations, particularly with youth and those who influence youth. Such an investment should make use of the talents and resources in the private sector and should include programs to increase the number of people who can be exposed to the United States and its fundamental ideas and values in order to dispel misconceptions. Such programs should include youth exchange programs, young ambassadors programs, international visitor programs, academic and cultural exchange programs, American Corner programs, library programs, journalist exchange programs, sister city programs, and other programs related to people-to-people diplomacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should significantly increase its investment in the people-to-people programs described in subsection (a).

SEC. 4024. PUBLIC DIPLOMACY REQUIRED FOR PROMOTION IN FOREIGN SERVICE.

(a) IN GENERAL.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003(b)) is amended by adding at the end the following new sentences: ''The precepts for such selection boards shall also consider whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has served in at least one position in which the primary responsibility of such member was related to public diplomacy. A member may not be promoted into or within the Senior Foreign Service if such member has not served in at least one such position.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2009.

CHAPTER 2—UNITED STATES MULTILATERAL DIPLOMACY

SEC. 4031. PURPOSE.

It is the purpose of this chapter to strengthen United States leadership and effectiveness at international organizations and multilateral institutions.

SEC. 4032. SUPPORT AND EXPANSION OF DEMOCRACY CAUCUS.

(a) IN GENERAL.—The President, acting through the Secretary of State and the relevant United States chiefs of mission, shall—

(1) continue to strongly support and seek to expand the work of the democracy caucus at the United Nations General Assembly and the United Nations Human Rights Commission; and

(2) seek to establish a democracy caucus at the United Nations Conference on Disarmament and at other broad-based international organizations.

(b) PURPOSES OF THE CAUCUS.—A democracy caucus at an international organization should—

(1) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;

(2) work to revise an increasingly outmoded system of membership selection, regional voting, and decision making; and

(3) establish a rotational leadership agreement to provide member countries an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

SEC. 4033. LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.

(a) UNITED STATES POLICY.—The President, acting through the Secretary of State, the relevant United States chiefs of mission, and, where appropriate, the Secretary of the Treasury, shall use the voice, vote, and influence of the United States to—

(1) where appropriate, reform the criteria for leadership and, in appropriate cases, for membership, at all United Nations bodies and at other international organizations and multilateral institutions to which the United States is a member so as to exclude countries that violate the principles of the specific organization;

(2) make it a policy of the United Nations and other international organizations and multilateral institutions of which the United States is a member that a member country may not stand in nomination for membership or in nomination or in rotation for a leadership position in such bodies if the member country is subject to sanctions imposed by the United Nations Security Council; and

(3) work to ensure that no member country stand in nomination for membership, or in nomination or in rotation for a leadership position in such organizations, or for membership on the United Nations Security Council, if the member country is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).

(b) REPORT TO CONGRESS.—Not later than 15 days after a country subject to a determination under one or more of the provisions of law specified in subsection (a)(3) is selected for membership or a leadership post in an international organization of which the United States is a member or for membership on the United Nations Security Council, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on any steps taken pursuant to subsection (a)(3).

SEC. 4034. INCREASED TRAINING IN MULTILATERAL DIPLOMACY.

(a) TRAINING PROGRAMS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

''(c) TRAINING IN MULTILATERAL DIPLOMACY.—

''(1) IN GENERAL.—The Secretary shall establish a series of training courses for officers of the Service, including appropriate chiefs of mission, on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments.

''(2) PARTICULAR PROGRAMS.—The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the service. In particular, the Secretary shall ensure that after January 1, 2006—

''(A) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry into the Service; and

''(B) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C., to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad-based multilateral negotiations of international instruments, receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.''.

(b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—The Secretary shall ensure that employees of the Department of State who are members of the civil service and who are assigned to positions described in section 708(c) of the Foreign Service Act of 1980 (as amended by subsection (a)) receive training described in such section.

(c) CONFORMING AMENDMENTS.—Section 708 of such Act is further amended—

(1) in subsection (a), by striking ''(a) The'' and inserting ''(a) TRAINING ON HUMAN RIGHTS.—The''; and

(2) in subsection (b), by striking ''(b) The'' and inserting ''(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The''.

SEC. 4035. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organization Affairs, an Office on Multilateral Negotiations to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the ''Special Representative'').

(b) APPOINTMENT.—The Special Representative shall be appointed by the President and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the Special Representative.

(c) STAFFING.—The Special Representative shall have a staff of Foreign Service and civil service officers skilled in multilateral diplomacy.

(d) DUTIES.—The Special Representative shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the Special Representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including advocacy efforts undertaken by the Department of State and other United States Government agencies.

(2) CONSULTATIONS.—The Special Representative shall consult with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) ADVISORY ROLE.—The Special Representative shall advise the Assistant Secretary for International Organization Affairs and, as appropriate, the Secretary of State, regarding advocacy at international organizations, multilateral institutions, and negotiations, and shall make recommendations regarding—

(A) effective strategies (and tactics) to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for United States positions at such organizations, institutions, and negotiations; and

(C) the composition of United States delegations to multilateral negotiations.

(4) ANNUAL DIPLOMATIC MISSIONS OF MULTILATERAL ISSUES.—The Special Representative, in coordination with the Assistant Secretary for International Organization Affairs, shall organize annual diplomatic missions to appropriate foreign countries to conduct consultations between principal officers responsible for advising the Secretary of State on international organizations and high-level representatives of the governments of such foreign countries to promote the United States agenda at the United Nations General Assembly and other key international fora (such as the United Nations Human Rights Commission).

(5) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The Special Representative, in coordination with the Assistant Secretary of International Organization Affairs, shall direct the efforts of the United States to reform the criteria for leadership of and membership in international organizations as described in section 4033.

(6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The Secretary of State may direct the Special Representative to serve as a member of a United States delegation to any multilateral negotiation.

(7) COORDINATION WITH THE DEPARTMENT OF THE TREASURY.—

(A) COORDINATION AND CONSULTATION.—The Special Representative shall coordinate and consult with the relevant staff at the Department of the Treasury in order to prepare recommendations for the Secretary of State regarding multilateral negotiations involving international financial institutions and other multilateral financial policymaking bodies.

(B) NEGOTIATING AUTHORITY CLARIFIED.—Notwithstanding any other provision of law, the Secretary of the Treasury shall remain the lead representative and lead negotiator for the United States within the international financial institutions and other multilateral financial policymaking bodies.

(C) DEFINITIONS.—In this paragraph:

(i) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term ''international financial institutions'' has the meaning given in section 1701(c)(2) of the International Financial Institutions Act.

(ii) OTHER MULTILATERAL FINANCIAL POLICYMAKING BODIES.—The term ''other multilateral financial policymaking bodies'' means—

(I) the Financial Action Task Force at the Organization for Economic Cooperation and Development;

(II) the international network of financial intelligence units known as the ''Egmont Group'';

(III) the United States, Canada, the United Kingdom, France, Germany, Italy, Japan, and Russia, when meeting as the Group of Eight; and

(IV) any other multilateral financial policymaking group in which the Secretary of the Treasury represents the United States.

(iii) FINANCIAL ACTION TASK FORCE.—The term ''Financial Action Task Force'' means the international policy-making and standard-setting body dedicated to combating money laundering and terrorist financing that was created by the Group of Seven (G–7) in 1989.

CHAPTER 3—OTHER PUBLIC DIPLOMACY PROVISIONS

SEC. 4041. PILOT PROGRAM TO PROVIDE GRANTS TO AMERICAN-SPONSORED SCHOOLS IN PREDOMINANTLY MUSLIM COUNTRIES TO PROVIDE SCHOLARSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) During the 2003–2004 school year, the Office of Overseas Schools of the Department of State is financially assisting 189 elementary and secondary schools in foreign countries.

(2) American-sponsored elementary and secondary schools are located in more than

20 countries with significant Muslim populations in the Near East, Africa, South Asia, Central Asia, and East Asia.

(3) American-sponsored elementary and secondary schools provide an American-style education in English, with curricula that typically include an emphasis on the development of critical thinking and analytical skills.

(b) PURPOSE.—The United States has an interest in increasing the level of financial support provided to American-sponsored elementary and secondary schools in predominantly Muslim countries, in order to—

(1) increase the number of students in such countries who attend such schools;

(2) increase the number of young people who may thereby gain at any early age an appreciation for the culture, society, and history of the United States; and

(3) increase the number of young people who may thereby improve their proficiency in the English language.

(c) PILOT PROGRAM AUTHORIZED.—The Secretary of State, acting through the Director of the Office of Overseas Schools of the Department of State, may conduct a pilot program to make grants to American-sponsored elementary and secondary schools in predominantly Muslim countries for the purpose of providing full or partial merit-based scholarships to students from lower- and middle-income families of such countries to attend such schools.

(d) DETERMINATION OF ELIGIBLE STUDENTS.—For purposes of expending grant funds, an American-sponsored elementary and secondary school that receives a grant under subsection (c) is authorized to establish criteria to be implemented by such school to determine what constitutes lower- and middle-income families in the country (or region of the country, if regional variations in income levels in the country are significant) in which such school is located.

(e) RESTRICTION ON USE OF FUNDS.—Amounts appropriated to the Secretary of State pursuant to the authorization of appropriations in subsection (h) shall be used for the sole purpose of making grants under this section, and may not be used for the administration of the Office of Overseas Schools of the Department of State or for any other activity of the Office.

(f) VOLUNTARY PARTICIPATION.—Nothing in this section shall be construed to require participation in the pilot program by an American-sponsored elementary or secondary school in a predominantly Muslim country.

(g) REPORT.—Not later than April 15, 2006, the Secretary shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the pilot program. The report shall assess the success of the program, examine any obstacles encountered in its implementation, and address whether it should be continued, and if so, provide recommendations to increase its effectiveness.

(h) FUNDING.—There are authorized to be appropriated to the Secretary of State such sums as may be necessary for each of fiscal years 2005, 2006, and 2007 to carry out this section.

SEC. 4042. ENHANCING FREE AND INDEPENDENT MEDIA.

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

(1) Freedom of speech and freedom of the press are fundamental human rights.

(2) The United States has a national interest in promoting these freedoms by supporting free media abroad, which is essential to the development of free and democratic societies consistent with our own.

(3) Free media is undermined, endangered, or nonexistent in many repressive and transitional societies around the world, including in Eurasia, Africa, and the Middle East.

(4) Individuals lacking access to a plurality of free media are vulnerable to misinformation and propaganda and are potentially more likely to adopt anti-American views.

(5) Foreign governments have a responsibility to actively and publicly discourage and rebut unprofessional and unethical media while respecting journalistic integrity and editorial independence.

(b) STATEMENTS OF POLICY.—It shall be the policy of the United States, acting through the Secretary of State, to—

(1) ensure that the promotion of press freedoms and free media worldwide is a priority of United States foreign policy and an integral component of United States public diplomacy;

(2) respect the journalistic integrity and editorial independence of free media worldwide; and

(3) ensure that widely accepted standards for professional and ethical journalistic and editorial practices are employed when assessing international media.

(c) GRANTS TO PRIVATE SECTOR GROUP TO ESTABLISH MEDIA NETWORK.—

(1) IN GENERAL.—Grants made available to the National Endowment for Democracy (NED) pursuant to paragraph (3) shall be used by NED to provide funding to a private sector group to establish and manage a free and independent media network in accordance with paragraph (2).

(2) PURPOSE.—The purpose of the network shall be to provide an effective forum to convene a broad range of individuals, organizations, and governmental participants involved in journalistic activities and the development of free and independent media to—

(A) fund a clearinghouse to collect and share information concerning international media development and training;

(B) improve research in the field of media assistance and program evaluation to better inform decisions regarding funding and program design for government and private donors;

(C) explore the most appropriate use of existing means to more effectively encourage the involvement of the private sector in the field of media assistance; and

(D) identify effective methods for the development of a free and independent media in societies in transition.

(3) FUNDING.—For grants made by the Department of State to NED as authorized by the National Endowment for Democracy Act (Pub. L. 98–164, 97 Stat. 1039), there are authorized to be appropriated to the Secretary of State such sums as may be necessary for each of fiscal years 2005, 2006, and 2007 to carry out this section.

SEC. 4043. COMBATING BIASED OR FALSE FOREIGN MEDIA COVERAGE OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) Biased or false media coverage of the United States and its allies is a significant factor encouraging terrorist acts against the people of the United States.

(2) Public diplomacy efforts designed to encourage an accurate understanding of the people of the United States and the policies of the United States are unlikely to succeed if foreign publics are subjected to unrelenting biased or false local media coverage of the United States.

(3) Where freedom of the press exists in foreign countries the United States can combat biased or false media coverage by responding in the foreign media or by communicating directly to foreign publics in such countries.

(4) Foreign governments which encourage biased or false media coverage of the United States bear a significant degree of responsibility for creating a climate within which terrorism can flourish. Such governments are responsible for encouraging biased or false media coverage if they—

(A) issue direct or indirect instructions to the media to publish biased or false information regarding the United States;

(B) make deliberately biased or false charges expecting that such charges will be disseminated; or

(C) so severely constrain the ability of the media to express criticism of any such government that one of the few means of political expression available is criticism of the United States.

(b) STATEMENTS OF POLICY.—

(1) FOREIGN GOVERNMENTS.—It shall be the policy of the United States to regard foreign governments as knowingly engaged in unfriendly acts toward the United States if such governments—

(A) instruct their state-owned or influenced media to include content that is anti-American or prejudicial to the foreign and security policies of the United States; or

(B) make deliberately false charges regarding the United States or permit false or biased charges against the United States to be made while constraining normal political discourse.

(2) SEEKING MEDIA ACCESS; RESPONDING TO FALSE CHARGES.—It shall be the policy of the United States to—

(A) seek access to the media in foreign countries on terms no less favorable than those afforded any other foreign entity or on terms available to the foreign country in the United States; and

(B) combat biased or false media coverage in foreign countries of the United States and its allies by responding in the foreign media or by communicating directly to foreign publics.

(c) RESPONSIBILITIES REGARDING BIASED OR FALSE MEDIA COVERAGE.—

(1) SECRETARY OF STATE.—The Secretary of State shall instruct chiefs of mission to report on and combat biased or false media coverage originating in or received in foreign countries to which such chiefs are posted. Based on such reports and other information available to the Secretary, the Secretary shall prioritize efforts to combat such media coverage, giving special attention to audiences where fostering popular opposition to terrorism is most important and such media coverage is most prevalent.

(2) CHIEFS OF MISSION.—Chiefs of mission shall have the following responsibilities:

(A) Chiefs of mission shall give strong priority to combatting biased or false media reports in foreign countries to which such chiefs are posted regarding the United States.

(B) Chiefs of mission posted to foreign countries in which freedom of the press exists shall inform the governments of such countries of the policies of the United States regarding biased or false media coverage of the United States, and shall make strong efforts to persuade such governments to change policies that encourage such media coverage.

(d) REPORTS.—Not later than 120 days after the date of the enactment of this Act and at least annually thereafter until January 1, 2015, the Secretary shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report regarding the major themes of biased or false media coverage of the United States in foreign countries, the actions taken to persuade foreign governments to change policies that encourage such media coverage (and the results of such actions), and any other actions

taken to combat such media coverage in foreign countries.

SEC. 4044. REPORT ON BROADCAST OUTREACH STRATEGY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the strategy of the United States to expand its outreach to foreign Muslim audiences through broadcast media.

(b) CONTENT.—The report required under subsection (a) shall contain the following:

(1) An assessment of the Broadcasting Board of Governors and the public diplomacy activities of the Department of State with respect to outreach to foreign Muslim audiences through broadcast media.

(2) An outline of recommended actions that the United States should take to more regularly and comprehensively present a United States point of view through indigenous broadcast media in countries with sizeable Muslim populations, including increasing appearances by United States Government officials, experts, and citizens.

(3) 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 Muslim countries in order to present those programs to a much broader Muslim audience than is currently reached.

(4) An assessment of providing a training program in media and press affairs for members of the Foreign Service.

SEC. 4045. OFFICE RELOCATION.

As soon as practicable after the date of the enactment of this Act, the Secretary of State shall take such actions as are necessary to consolidate within the Harry S. Truman Building all offices of the Department of State that are responsible for the conduct of public diplomacy, including the Bureau of Educational and Cultural Affairs.

SEC. 4046. STRENGTHENING THE COMMUNITY OF DEMOCRACIES FOR MUSLIM COUNTRIES.

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

(1) should work with the Community of Democracies to discuss, develop, and refine policies and assistance programs to support and promote political, economic, judicial, educational, and social reforms in Muslim countries;

(2) should, as part of that effort, secure support to require countries seeking membership in the Community of Democracies to be in full compliance with the Community's criteria for participation, as established by the Community's Convening Group, should work to ensure that the criteria are part of a legally binding document, and should urge other donor countries to use compliance with the criteria as a basis for determining diplomatic and economic relations (including assistance programs) with such participating countries; and

(3) should seek support for international contributions to the Community of Democracies and should seek authority for the Community's Convening Group to oversee adherence and compliance of participating countries with the criteria.

(b) MIDDLE EAST PARTNERSHIP INITIATIVE AND BROADER MIDDLE EAST AND NORTH AFRICA INITIATIVE.—Amounts made available to carry out the Middle East Partnership Initiative and the Broader Middle East and North Africa Initiative may be made available to the Community of Democracies in order to strengthen and expand its work with Muslim countries.

(c) REPORT.—The Secretary of State shall include in the annual report entitled ''Supporting Human Rights and Democracy: The U.S. Record'' a description of efforts by the Community of Democracies to support and promote political, economic, judicial, educational, and social reforms in Muslim countries and the extent to which such countries meet the criteria for participation in the Community of Democracies.

Subtitle C—Reform of Designation of Foreign Terrorist Organizations

SEC. 4051. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking ''Subject to paragraphs (5) and (6), a'' and inserting ''A''; and

(B) by striking ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and inserting ''until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)'';

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

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the organization is warranted.

''(iv) DETERMINATION.—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

''(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

''(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

''(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).''; and

(3) by adding at the end the following:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 6-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.''.

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) AMENDMENTS TO A DESIGNATION.—

''(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

''(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

''(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

''(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking ''or a redesignation made under paragraph (4)(B)'' and inserting ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)''; and

(ii) in clause (i), by striking ''or redesignation'';

(C) in paragraph (7), by striking '', or the revocation of a redesignation under paragraph (6),''; and

(D) in paragraph (8)—

(i) by striking '', or if a redesignation under this subsection has become effective under paragraph (4)(B),''; and

(ii) by striking ''or redesignation''; and

(2) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''of the designation in the Federal Register,'' and all that follows through ''review of the designation'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review'';

(B) in paragraph (2), by inserting '', amended designation, or determination in response to a petition for revocation'' after ''designation'';

(C) in paragraph (3), by inserting ''amended designation, or determination in response to a petition for revocation'' after ''designation''; and

(D) in paragraph (4), by inserting ''amended designation, or determination in response to a petition for revocation'' after ''designation'' each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term ''designation'', as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

SEC. 4052. INCLUSION IN ANNUAL DEPARTMENT OF STATE COUNTRY REPORTS ON TERRORISM OF INFORMATION ON TERRORIST GROUPS THAT SEEK WEAPONS OF MASS DESTRUCTION AND GROUPS THAT HAVE BEEN DESIGNATED AS FOREIGN TERRORIST ORGANIZATIONS.

(a) INCLUSION IN REPORTS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction,'' after ''during the preceding five years,''; and

(B) by inserting ''any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189),'' after ''Export Administration Act of 1979,'';

(2) in subsection (b)(1)(C)(iii), by striking ''and'' at the end;

(3) in subsection (b)(1)(C)—

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

(B) by inserting after clause (iii) the following new clause:

''(iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups; and''; and

(4) in subsection (b)(3) (as redesignated by section 4002(b)(2)(B) of this Act)—

(A) by redesignating subparagraphs (C), (D), and (E) as (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) efforts by those groups to obtain or develop weapons of mass destruction;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with the first report under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), submitted more than one year after the date of the enactment of this Act.

Subtitle D—Afghanistan Freedom Support Act Amendments of 2004

SEC. 4061. SHORT TITLE.

This subtitle may be cited as the ''Afghanistan Freedom Support Act Amendments of 2004''.

SEC. 4062. COORDINATION OF ASSISTANCE FOR AFGHANISTAN.

(a) FINDINGS.—Congress finds that—

(1) the Final Report of the National Commission on Terrorist Attacks Upon the United States criticized the provision of United States assistance to Afghanistan for being too inflexible; and

(2) the Afghanistan Freedom Support Act of 2002 (Public Law 107–327; 22 U.S.C. 7501 et seq.) contains provisions that provide for flexibility in the provision of assistance for Afghanistan and are not subject to the requirements of typical foreign assistance programs and provide for the designation of a coordinator to oversee United States assistance for Afghanistan.

(b) DESIGNATION OF COORDINATOR.—Section 104(a) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7514(a)) is amended in the matter preceding paragraph (1) by striking ''is strongly urged to'' and inserting ''shall''.

(c) OTHER MATTERS.—Section 104 of such Act (22 U.S.C. 7514) is amended by adding at the end the following:

''(c) PROGRAM PLAN.—The coordinator designated under subsection (a) shall annually submit to the Committees on International Relations and Appropriations of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate the Administration's plan for assistance to Afghanistan together with a description of such assistance in prior years.

''(d) COORDINATION WITH INTERNATIONAL COMMUNITY.—The coordinator designated under subsection (a) shall work with the international community and the Government of Afghanistan to ensure that assistance to Afghanistan is implemented in a coherent, consistent, and efficient manner to prevent duplication and waste. The coordinator designated under subsection (a) shall work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions in order to effectuate these responsibilities within the international financial institutions. The term 'international financial institution' has the meaning given in section 1701(c)(2) of the International Financial Institutions Act.''.

SEC. 4063. GENERAL PROVISIONS RELATING TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.

(a) ASSISTANCE TO PROMOTE ECONOMIC, POLITICAL AND SOCIAL DEVELOPMENT.—

(1) DECLARATION OF POLICY.—Congress reaffirms the authorities contained in title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.; relating to economic and democratic development assistance for Afghanistan).

(2) PROVISION OF ASSISTANCE.—Section 103(a) of such Act (22 U.S.C. 7513(a)) is amended in the matter preceding paragraph (1) by striking ''section 512 of Public Law 107–115 or any other similar'' and inserting ''any other''.

(b) DECLARATIONS OF POLICY.—Congress makes the following declarations:

(1) The United States reaffirms the support that it and other countries expressed for the report entitled ''Securing Afghanistan's Future'' in their Berlin Declaration of April 2004. The United States should help enable the growth needed to create an economically sustainable Afghanistan capable of the poverty reduction and social development foreseen in the report.

(2) The United States supports the parliamentary elections to be held in Afghanistan by April 2005 and will help ensure that such elections are not undermined by warlords or narcotics traffickers.

(3)(A) The United States continues to urge North Atlantic Treaty Organization members and other friendly countries to make much greater military contributions toward securing the peace in Afghanistan.

(B) The United States should continue to lead in the security domain by, among other things, providing logistical support to facilitate those contributions.

(C) In coordination with the Government of Afghanistan, the United States should urge others, and act itself, to increase efforts to promote disarmament, demobilization, and reintegration efforts, to enhance counternarcotics activities, to expand deployments of Provincial Reconstruction Teams, and to increase training of Afghanistan's National Army and its police and border security forces.

(c) LONG-TERM STRATEGY.—

(1) STRATEGY.—Title III of such Act (22 U.S.C. 7551 et seq.) is amended by adding at the end the following:

''SEC. 304 FORMULATION OF LONG-TERM STRATEGY FOR AFGHANISTAN.

''(a) STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Afghanistan Freedom Support Act Amendments of 2004, the President shall formulate and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a 5-year strategy for Afghanistan that includes specific and measurable goals, timeframes for accomplishing such goals, and specific resource levels necessary for accomplishing such goals for addressing the long-term development and security needs of Afghanistan, including sectors such as agriculture and irrigation, parliamentary and democratic development, the judicial system and rule of law, human rights, education, health, telecommunications, electricity, women's rights, counternarcotics, police, border security, anti-corruption, and other law-enforcement activities.

''(2) ADDITIONAL REQUIREMENT.—The strategy shall also delineate responsibilities for achieving such goals and identify and address possible external factors that could significantly affect the achievement of such goals.

''(b) IMPLEMENTATION.—Not later than 30 days after the date of the transmission of the strategy required by subsection (a), the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of Defense shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a written 5-year action plan to implement the strategy developed pursuant to subsection (a). Such action plan shall include a description and schedule of the program evaluations that will monitor progress toward achieving the goals described in subsection (a).

''(c) REVIEW.—The Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of Defense shall carry out an annual review of the strategy required by subsection (a) and the action plan required by subsection (b).

''(d) MONITORING.—The report required by section 206(c)(2) of this Act shall include—

''(1) a description of progress toward implementation of both the strategy required by subsection (a) and the action plan required by subsection (b); and

''(2) a description of any changes to the strategy or action plan since the date of the submission of the last report required by such section.''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act (22 U.S.C. 7501 note) is amended by adding after the item relating to section 303 the following:

''Sec. 304. Formulation of long-term strategy for Afghanistan.''.

SEC. 4064. RULE OF LAW AND RELATED ISSUES.

Section 103(a)(5)(A) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(5)(A)) is amended—

(1) in clause (v), to read as follows:

''(v) support for the activities of the Government of Afghanistan to develop modern

legal codes and court rules, to provide for the creation of legal assistance programs, and other initiatives to promote the rule of law in Afghanistan;'';

(2) in clause (xii), to read as follows:

''(xii) support for the effective administration of justice at the national, regional, and local levels, including programs to improve penal institutions and the rehabilitation of prisoners, to establish a responsible and community-based police force, and to rehabilitate or construct courthouses and detention facilities;''; and

(3) in clause (xiii), by striking ''and'' at the end;

(4) in clause (xiv), by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(xv) assistance for the protection of Afghanistan's culture, history, and national identity, including with the rehabilitation of Afghanistan's museums and sites of cultural significance.''.

SEC. 4065. MONITORING OF ASSISTANCE.

Section 108 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518) is amended by adding at the end the following:

''(c) MONITORING OF ASSISTANCE FOR AFGHANISTAN.—

''(1) REPORT.—The Secretary of State, in consultation with the Administrator for the United States Agency for International Development, shall submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the obligations and expenditures of United States assistance for Afghanistan from all United States Government agencies. The first report under this paragraph shall be submitted not later than January 15, 2005, and subsequent reports shall be submitted every six months thereafter and may be included in the report required by section 206(c)(2) of this Act.

''(2) SUBMISSION OF INFORMATION FOR REPORT.—The head of each United States Government agency referred to in paragraph (1) shall provide on a timely basis to the Secretary of State such information as the Secretary may reasonably require to allow the Secretary to prepare and submit the report required by such paragraph.''.

SEC. 4066. UNITED STATES POLICY TO SUPPORT DISARMAMENT OF PRIVATE MILITIAS AND TO SUPPORT EXPANSION OF INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.

(a) DISARMAMENT OF PRIVATE MILITIAS.—Section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended by adding at the end the following:

''(d) UNITED STATES POLICY RELATING TO DISARMAMENT OF PRIVATE MILITIAS.—

''(1) IN GENERAL.—It shall be the policy of the United States to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan.

''(2) REPORT.—The report required by section 206(c)(2) of this Act shall include a description of the progress to implement paragraph (1).''.

(b) INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—Section 103 of such Act (22 U.S.C. 7513(d)), as amended by subsection (a), is further amended by adding at the end the following:

''(e) UNITED STATES POLICY RELATING TO INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—It shall be the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations in Afghanistan in order to—

''(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production; and

''(2) safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.''.

SEC. 4067. EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.

Section 206(d)(1) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(d)(1)) is amended to read as follows:

''(1) EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—

''(A) EFFORTS.—The President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time.

''(B) REPORTS.—The President shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on efforts carried out pursuant to subparagraph (A). The first report under this subparagraph shall be transmitted not later than 60 days after the date of the enactment of the Afghanistan Freedom Support Act Amendments of 2004 and subsequent reports shall be transmitted every six months thereafter and may be included in the report required by subsection (c)(2).''.

SEC. 4068. PROVISIONS RELATING TO COUNTERNARCOTICS EFFORTS IN AFGHANISTAN.

(a) COUNTERNARCOTICS EFFORTS.—The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) is amended—

(1) by redesignating—

(A) title III as title IV; and

(B) sections 301 through 305 as sections 401 through 405, respectively; and

(2) by inserting after title II the following:

''TITLE III—PROVISIONS RELATING TO COUNTERNARCOTICS EFFORTS IN AFGHANISTAN

''SEC. 301. ASSISTANCE FOR COUNTERNARCOTICS EFFORTS.

''In addition to programs established pursuant to section 103(a)(3) of this Act or other similar programs, the President is authorized and encouraged to implement specific initiatives to assist in the eradication of poppy cultivation and the disruption of heroin production in Afghanistan, such as—

''(1) promoting alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers;

''(2) enhancing the ability of farmers to bring legitimate agricultural goods to market;

''(3) notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), assistance, including nonlethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2006 through 2008, for salaries for special counternarcotics police and supporting units;

''(4) training the Afghan National Army in counternarcotics activities; and

''(5) creating special counternarcotics courts, prosecutors, and places of incarceration.

''SEC. 302. SENSE OF CONGRESS AND REPORT REGARDING COUNTER-DRUG EFFORTS IN AFGHANISTAN.

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

''(1) the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism;

''(2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

''(3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

''(b) REPORT REQUIRED.—(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

''(A) the progress made towards substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

''(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

''(2) The report required by this subsection shall be submitted to Congress not later than 120 days after the date of the enactment of the 9/11 Recommendations Implementation Act.''.

(b) CLERICAL AMENDMENTS.—The table of contents for such Act (22 U.S.C. 7501 note) is amended—

(1) by redesignating—

(A) the item relating to title III as the item relating to title IV; and

(B) the items relating to sections 301 through 305 as the items relating to sections 401 through 405; and

(2) by inserting after the items relating to title II the following:

''TITLE III—PROVISIONS RELATING TO COUNTERNARCOTICS EFFORTS IN AFGHANISTAN

''Sec. 301. Assistance for counternarcotics efforts.

''Sec. 302. Sense of Congress and report regarding counter-drug efforts in Afghanistan.''.

SEC. 4069. ADDITIONAL AMENDMENTS TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.

(a) TECHNICAL AMENDMENT.—Section 103(a)(7)(A)(xii) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(7)(A)(xii)) is amended by striking ''National'' and inserting ''Afghan Independent''.

(b) REPORTING REQUIREMENT.—Section 206(c)(2) of such Act (22 U.S.C. 7536(c)(2)) is amended in the matter preceding subparagraph (A) by striking ''2007'' and inserting ''2012''.

SEC. 4070. REPEAL.

Section 620D of the Foreign Assistance Act of 1961 (22 U.S.C. 2374; relating to prohibition on assistance to Afghanistan) is hereby repealed.

Subtitle E—Provisions Relating to Saudi Arabia and Pakistan

SEC. 4081. NEW UNITED STATES STRATEGY FOR RELATIONSHIP WITH SAUDI ARABIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the relationship between the United States and Saudi Arabia should include a more robust dialogue between the

people and Government of the United States and the people and Government of Saudi Arabia in order to provide for a reevaluation of, and improvements to, the relationship by both sides.

(b) REPORT.—

(1) IN GENERAL.— Not later than one year after the date of the enactment of this Act, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a strategy for collaboration with the people and Government of Saudi Arabia on subjects of mutual interest and importance to the United States.

(2) CONTENTS.—The strategy required under paragraph (1) shall include the following provisions:

(A) A framework for security cooperation in the fight against terrorism, with special reference to combating terrorist financing and an examination of the origins of modern terrorism.

(B) A framework for political and economic reform in Saudi Arabia and throughout the Middle East.

(C) An examination of steps that should be taken to reverse the trend toward extremism in Saudi Arabia and other Muslim countries and throughout the Middle East.

(D) A framework for promoting greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Middle East.

(3) FORM.—The strategy required by this subsection may contain a classified annex.

SEC. 4082. UNITED STATES COMMITMENT TO THE FUTURE OF PAKISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should, over a long-term period, help to ensure a promising, stable, and secure future for Pakistan, and should in particular provide assistance to encourage and enable Pakistan—

(1) to continue and improve upon its commitment to combating extremists;

(2) to seek to resolve any outstanding difficulties with its neighbors and other countries in its region;

(3) to continue to make efforts to fully control its territory and borders;

(4) to progress towards becoming a more effective and participatory democracy;

(5) to participate more vigorously in the global marketplace and to continue to modernize its economy;

(6) to take all necessary steps to halt the spread of weapons of mass destruction;

(7) to continue to reform its education system; and

(8) to, in other ways, implement a general strategy of moderation.

(b) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a detailed proposed strategy for the future, long-term, engagement of the United States with Pakistan. The strategy required by this subsection may contain a classified annex.

SEC. 4083. EXTENSION OF PAKISTAN WAIVERS.

The Act entitled ''An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes'', approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), as amended by section 2213 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1232), is further amended—

(1) in section 1(b)—

(A) in the heading, by striking ''FISCAL YEAR 2004'' and inserting ''FISCAL YEARS 2005 AND 2006''; and

(B) in paragraph (1), by striking ''2004'' and inserting ''2005 or 2006'';

(2) in section 3(2), by striking ''and 2004,'' and inserting ''2004, 2005, and 2006''; and

(3) in section 6, by striking ''2004'' and inserting ''2006''.

Subtitle F—Oversight Provisions

SEC. 4091. CASE-ZABLOCKI ACT REQUIREMENTS.

(a) AVAILABILITY OF TREATIES AND INTERNATIONAL AGREEMENTS.—Section 112a of title 1, United States Code, is amended by adding at the end the following:

''(d) The Secretary of State shall cause to be published in slip form or otherwise made publicly available through the Internet website of the Department of State each treaty or international agreement proposed to be published in the compilation entitled 'United States Treaties and Other International Agreements' not later than 180 days after the date on which the treaty or agreement enters into force.''.

(b) TRANSMISSION TO CONGRESS.—Section 112b(a) of title 1, United States Code (commonly referred to as the ''Case-Zablocki Act''), is amended—

(1) in the first sentence, by striking ''has entered into force'' and inserting ''has been signed or entered into force''; and

(2) in the second sentence, by striking ''Committee on Foreign Affairs'' and inserting ''Committee on International Relations''.

(c) REPORT.—Section 112b of title 1, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

''(d)(1) The Secretary of State shall submit to Congress on an annual basis a report that contains an index of all international agreements (including oral agreements), listed by country, date, title, and summary of each such agreement (including a description of the duration of activities under the agreement and the agreement itself), that the United States—

''(A) has signed, proclaimed, or with reference to which any other final formality has been executed, or that has been extended or otherwise modified, during the preceding calendar year; and

''(B) has not been published, or is not proposed to be published, in the compilation entitled 'United States Treaties and Other International Agreements'.

''(2) The report described in paragraph (1) may be submitted in classified form.''.

(d) DETERMINATION OF INTERNATIONAL AGREEMENT.—Subsection (e) of section 112b of title 1, United States Code, (as redesignated) is amended—

(1) by striking ''(e) The Secretary of State'' and inserting ''(e)(1) Subject to paragraph (2), the Secretary of State''; and

(2) by adding at the end the following:

''(2)(A) An arrangement shall constitute an international agreement within the meaning of this section (other than subsection (c) of this section) irrespective of the duration of activities under the arrangement or the arrangement itself.

''(B) Arrangements that constitute an international agreement within the meaning of this section (other than subsection (c) of this section) include, but are not limited to, the following:

''(i) A bilateral or multilateral counterterrorism agreement.

''(ii) A bilateral agreement with a country that is subject to a determination under section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)), or section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)).''.

(e) ENFORCEMENT OF REQUIREMENTS.—Section 139(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 is amended to read as follows:

''(b) EFFECTIVE DATE.—Subsection (a) shall take effect 60 days after the date of the enactment of the 9/11 Recommendations Implementation Act and shall apply during fiscal years 2005, 2006, and 2007.''.

Subtitle G—Additional Protections of United States Aviation System from Terrorist Attacks

SEC. 4101. INTERNATIONAL AGREEMENTS TO ALLOW MAXIMUM DEPLOYMENT OF FEDERAL FLIGHT DECK OFFICERS.

The President is encouraged to pursue aggressively international agreements with foreign governments to allow the maximum deployment of Federal air marshals and Federal flight deck officers on international flights.

SEC. 4102. FEDERAL AIR MARSHAL TRAINING.

Section 44917 of title 49, United States Code, is amended by adding at the end the following:

''(d) TRAINING FOR FOREIGN LAW ENFORCEMENT PERSONNEL.—

''(1) IN GENERAL.—The Assistant Secretary for Immigration and Customs Enforcement of the Department of Homeland Security, after consultation with the Secretary of State, may direct the Federal Air Marshal Service to provide appropriate air marshal training to law enforcement personnel of foreign countries.

''(2) WATCHLIST SCREENING.—The Federal Air Marshal Service may only provide appropriate air marshal training to law enforcement personnel of foreign countries after comparing the identifying information and records of law enforcement personnel of foreign countries against appropriate records in the consolidated and integrated terrorist watchlists of the Federal Government.

''(3) FEES.—The Assistant Secretary shall establish reasonable fees and charges to pay expenses incurred in carrying out this subsection. Funds collected under this subsection shall be credited to the account in the Treasury from which the expenses were incurred and shall be available to the Assistant Secretary for purposes for which amounts in such account are available.''.

SEC. 4103. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

(a) UNITED STATES POLICY ON NONPROLIFERATION AND EXPORT CONTROL.—

(1) TO LIMIT AVAILABILITY AND TRANSFER OF MANPADS.—The President shall pursue, on an urgent basis, further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to limit the availability, transfer, and proliferation of MANPADSs worldwide.

(2) TO LIMIT THE PROLIFERATION OF MANPADS.—The President is encouraged to seek to enter into agreements with the governments of foreign countries that, at a minimum, would—

(A) prohibit the entry into force of a MANPADS manufacturing license agreement and MANPADS co-production agreement, other than the entry into force of a manufacturing license or co-production agreement with a country that is party to such an agreement;

(B) prohibit, except pursuant to transfers between governments, the export of a MANPADS, including any component, part, accessory, or attachment thereof, without an individual validated license; and

(C) prohibit the reexport or retransfer of a MANPADS, including any component, part, accessory, or attachment thereof, to a third person, organization, or government unless the written consent of the government that approved the original export or transfer is first obtained.

(3) TO ACHIEVE DESTRUCTION OF MANPADS.—The President should continue to pursue further strong international diplomatic and cooperative efforts, including bilateral and multilateral treaties, in the appropriate forum to assure the destruction of excess, obsolete, and illicit stocks of MANPADSs worldwide.

(4) REPORTING AND BRIEFING REQUIREMENT.—

(A) PRESIDENT'S REPORT.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of diplomatic efforts under paragraphs (1), (2), and (3) and of efforts by the appropriate United States agencies to comply with the recommendations of the General Accounting Office set forth in its report GAO–04–519, entitled ''Nonproliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems''.

(B) ANNUAL BRIEFINGS.—Annually after the date of submission of the report under subparagraph (A) and until completion of the diplomatic and compliance efforts referred to in subparagraph (A), the Secretary of State shall brief the appropriate congressional committees on the status of such efforts.

(b) FAA AIRWORTHINESS CERTIFICATION OF MISSILE DEFENSE SYSTEMS FOR COMMERCIAL AIRCRAFT.—

(1) IN GENERAL.—As soon as practicable, but not later than the date of completion of Phase II of the Department of Homeland Security's counter-man-portable air defense system (MANPADS) development and demonstration program, the Administrator of the Federal Aviation Administration shall establish a process for conducting airworthiness and safety certification of missile defense systems for commercial aircraft certified as effective and functional by the Department of Homeland Security. The process shall require a certification by the Administrator that such systems can be safely integrated into aircraft systems and ensure airworthiness and aircraft system integrity.

(2) CERTIFICATION ACCEPTANCE.—Under the process, the Administrator shall accept the certification of the Department of Homeland Security that a missile defense system is effective and functional to defend commercial aircraft against MANPADSs.

(3) EXPEDITIOUS CERTIFICATION.—Under the process, the Administrator shall expedite the airworthiness and safety certification of missile defense systems for commercial aircraft certified by the Department of Homeland Security.

(4) REPORTS.—Not later than 90 days after the first airworthiness and safety certification for a missile defense system for commercial aircraft is issued by the Administrator, and annually thereafter until December 31, 2008, the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that contains a detailed description of each airworthiness and safety certification issued for a missile defense system for commercial aircraft.

(c) PROGRAMS TO REDUCE MANPADS.—

(1) IN GENERAL.—The President is encouraged to pursue strong programs to reduce the number of MANPADSs worldwide so that fewer MANPADSs will be available for trade, proliferation, and sale.

(2) REPORTING AND BRIEFING REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains a detailed description of the status of the programs being pursued under subsection (a). Annually thereafter until the programs are no longer needed, the Secretary of State shall brief the appropriate congressional committees on the status of programs.

(3) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) MANPADS VULNERABILITY ASSESSMENTS REPORT.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the Department of Homeland Security's plans to secure airports and the aircraft arriving and departing from airports against MANPADSs attacks.

(2) MATTERS TO BE ADDRESSED.—The Secretary's report shall address, at a minimum, the following:

(A) The status of the Department's efforts to conduct MANPADSs vulnerability assessments at United States airports at which the Department is conducting assessments.

(B) How intelligence is shared between the United States intelligence agencies and Federal, State, and local law enforcement to address the MANPADS threat and potential ways to improve such intelligence sharing.

(C) Contingency plans that the Department has developed in the event that it receives intelligence indicating a high threat of a MANPADS attack on aircraft at or near United States airports.

(D) The feasibility and effectiveness of implementing public education and neighborhood watch programs in areas surrounding United States airports in cases in which intelligence reports indicate there is a high risk of MANPADS attacks on aircraft.

(E) Any other issues that the Secretary deems relevant.

(3) FORMAT.—The report required by this subsection may be submitted in a classified format.

(e) DEFINITIONS.—In this section, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) MANPADS.—The term ''MANPADS'' means—

(A) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(B) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

Subtitle H—Improving International Standards and Cooperation to Fight Terrorist Financing

SEC. 4111. SENSE OF THE CONGRESS REGARDING SUCCESS IN MULTILATERAL ORGANIZATIONS.

(a) FINDINGS.—The Congress finds as follows:

(1) The global war on terrorism and cutting off terrorist financing is a policy priority for the United States and its partners, working bilaterally and multilaterally through the United Nations (UN), the UN Security Council and its Committees, such as the 1267 and 1373 Committees, the Financial Action Task Force (FATF) and various international financial institutions, such as the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD), and the regional multilateral development banks, and other multilateral fora.

(2) The Secretary of the Treasury has engaged the international financial community in the global fight against terrorist financing. Specifically, the Department of the Treasury helped redirect the focus of the Financial Action Task Force on the new threat posed by terrorist financing to the international financial system, resulting in the establishment of the FATF's Eight Special Recommendations on Terrorist Financing as the international standard on combating terrorist financing. The Secretary of the Treasury has engaged the Group of Seven and the Group of Twenty Finance Ministers to develop action plans to curb the financing of terror. In addition, other economic and regional fora, such as the Asia-Pacific Economic Cooperation (APEC) Forum, the Western Hemisphere Financial Ministers, have been used to marshal political will and actions in support of countering the financing of terrorism (CFT) standards.

(3) FATF's Forty Recommendations on Money Laundering and the Eight Special Recommendations on Terrorist Financing are the recognized global standards for fighting money laundering and terrorist financing. The FATF has engaged in an assessment process for jurisdictions based on their compliance with these standards.

(4) In March 2004, the IMF and IBRD Boards agreed to make permanent a pilot program of collaboration with the FATF to assess global compliance with the FATF Forty Recommendations on Money Laundering and the Eight Special Recommendations on Terrorist Financing. As a result, anti-money laundering (AML) and combating the financing of terrorism (CFT) assessments are now a regular part of their Financial Sector Assessment Progam (FSAP) and Offshore Financial Center assessments, which provide for a comprehensive analysis of the strength of a jurisdiction's financial system. These reviews assess potential systemic vulnerabilities, consider sectoral development needs and priorities, and review the state of implementation of and compliance with key financial codes and regulatory standards, among them the AML and CFT standards.

(5) To date, 70 FSAPs have been conducted, with over 24 of those incorporating AML and CFT assessments. The international financial institutions (IFIs), the FATF, and the FATF-style regional bodies together are expected to assess AML and CFT regimes in up to 40 countries or jurisdictions per year. This will help countries and jurisdictions identify deficiencies in their AML and CFT regimes and help focus technical assistance (TA) efforts.

(6) TA programs from the United States and other nations, coordinated with the Department of State and other departments and agencies, are playing an important role in helping countries and jurisdictions address shortcomings in their AML and CFT regimes and bringing their regimes into conformity with international standards. Training is coordinated within the United States Government, which leverages multilateral organizations and bodies and international financial institutions to internationalize the conveyance of technical assistance.

(7) In fulfilling its duties in advancing incorporation of AML and CFT standards into the IFIs as part of the IFIs' work on protecting the integrity of the international monetary system, the Department of the

Treasury, under the guidance of the Secretary of the Treasury, has effectively brought together all of the key United States Government agencies. In particular, United States Government agencies continue to work together to foster broad support for this important undertaking in various multilateral fora, and United States Government agencies recognize the need for close coordination and communication within our own government.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of the Treasury should continue to promote the dissemination of international AML and CFT standards, and to press for full implementation of the FATF 40 + 8 Recommendations by all countries in order to curb financial risks and hinder terrorist financing around the globe.

SEC. 4112. EXPANDED REPORTING AND TESTIMONY REQUIREMENTS FOR THE SECRETARY OF THE TREASURY.

(a) REPORTING REQUIREMENTS.—Section 1503(a) of the International Financial Institutions Act (22 U.S.C. 262o-2(a)) is amended by adding at the end the following new paragraph:

''(15) Work with the International Monetary Fund to—

''(A) foster strong global anti-money laundering (AML) and combat the financing of terrorism (CFT) regimes;

''(B) ensure that country performance under the Financial Action Task Force anti-money laundering and counter-terrorist financing standards is effectively and comprehensively monitored;

''(C) ensure note is taken of AML and CFT issues in Article IV reports, International Monetary Fund programs, and other regular reviews of country progress;

''(D) ensure that effective AML and CFT regimes are considered to be indispensable elements of sound financial systems; and

''(E) emphasize the importance of sound AML and CFT regimes to global growth and development.''.

(b) TESTIMONY.—Section 1705(b) of such Act (22 U.S.C. 262r-4(b)) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and'' and

(3) by adding at the end the following:

''(4) the status of implementation of international anti-money laundering and counter-terrorist financing standards by the International Monetary Fund, the multilateral development banks, and other multilateral financial policymaking bodies.''.

SEC. 4113. COORDINATION OF UNITED STATES GOVERNMENT EFFORTS.

The Secretary of the Treasury, or the designee of the Secretary as the lead United States Government official to the Financial Action Task Force (FATF), shall continue to convene the interagency United States Government FATF working group. This group, which includes representatives from all relevant federal agencies, shall meet at least once a year to advise the Secretary on policies to be pursued by the United States regarding the development of common international AML and CFT standards, to assess the adequacy and implementation of such standards, and to recommend to the Secretary improved or new standards as necessary.

SEC. 4114. DEFINITIONS.

In this subtitle:

(1) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term ''international financial institutions'' has the meaning given in section 1701(c)(2) of the International Financial Institutions Act.

(2) FINANCIAL ACTION TASK FORCE.—The term ''Financial Action Task Force'' means the international policy-making and standard-setting body dedicated to combating money laundering and terrorist financing that was created by the Group of Seven in 1989.

TITLE V—GOVERNMENT RESTRUCTURING

Subtitle A—Faster and Smarter Funding for First Responders

SEC. 5001. SHORT TITLE.

This subtitle may be cited as the ''Faster and Smarter Funding for First Responders Act of 2004''.

SEC. 5002. FINDINGS.

The Congress finds the following:

(1) In order to achieve its objective of minimizing the damage, and assisting in the recovery, from terrorist attacks, the Department of Homeland Security must play a leading role in assisting communities to reach the level of preparedness they need to respond to a terrorist attack.

(2) First responder funding is not reaching the men and women of our Nation's first response teams quickly enough, and sometimes not at all.

(3) To reform the current bureaucratic process so that homeland security dollars reach the first responders who need it most, it is necessary to clarify and consolidate the authority and procedures of the Department of Homeland Security that support first responders.

(4) Ensuring adequate resources for the new national mission of homeland security, without degrading the ability to address effectively other types of major disasters and emergencies, requires a discrete and separate grant making process for homeland security funds for first response to terrorist acts, on the one hand, and for first responder programs designed to meet pre-September 11 priorities, on the other.

(5) While a discrete homeland security grant making process is necessary to ensure proper focus on the unique aspects of terrorism prevention, preparedness, and response, it is essential that State and local strategies for utilizing such grants be integrated, to the greatest extent practicable, with existing State and local emergency management plans.

(6) Homeland security grants to first responders must be based on the best intelligence concerning the capabilities and intentions of our terrorist enemies, and that intelligence must be used to target resources to the Nation's greatest threats, vulnerabilities, and consequences.

(7) The Nation's first response capabilities will be improved by sharing resources, training, planning, personnel, and equipment among neighboring jurisdictions through mutual aid agreements and regional cooperation. Such regional cooperation should be supported, where appropriate, through direct grants from the Department of Homeland Security.

(8) An essential prerequisite to achieving the Nation's homeland security objectives for first responders is the establishment of well-defined national goals for terrorism preparedness. These goals should delineate the essential capabilities that every jurisdiction in the United States should possess or to which it should have access.

(9) A national determination of essential capabilities is needed to identify levels of State and local government terrorism preparedness, to determine the nature and extent of State and local first responder needs, to identify the human and financial resources required to fulfill them, and to direct funding to meet those needs and to measure preparedness levels on a national scale.

(10) To facilitate progress in achieving, maintaining, and enhancing essential capabilities for State and local first responders, the Department of Homeland Security should seek to allocate homeland security funding for first responders to meet nationwide needs.

(11) Private sector resources and citizen volunteers can perform critical functions in assisting in preventing and responding to terrorist attacks, and should be integrated into State and local planning efforts to ensure that their capabilities and roles are understood, so as to provide enhanced State and local operational capability and surge capacity.

(12) Public-private partnerships, such as the partnerships between the Business Executives for National Security and the States of New Jersey and Georgia, can be useful to identify and coordinate private sector support for State and local first responders. Such models should be expanded to cover all States and territories.

(13) An important aspect of essential capabilities is measurability, so that it is possible to determine how prepared a State or local government is now, and what additional steps it needs to take, in order to respond to acts of terrorism.

(14) The Department of Homeland Security should establish, publish, and regularly update national voluntary consensus standards for both equipment and training, in cooperation with both public and private sector standard setting organizations, to assist State and local governments in obtaining the equipment and training to attain the essential capabilities for first response to acts of terrorism, and to ensure that first responder funds are spent wisely.

SEC. 5003. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended—

(1) in section 1(b) in the table of contents by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''Sec. 1801. Definitions.
''Sec. 1802. Faster and smarter funding for first responders.
''Sec. 1803. Essential capabilities for first responders.
''Sec. 1804. Task Force on Essential Capabilities for First Responders.
''Sec. 1805. Covered grant eligibility and criteria.
''Sec. 1806. Use of funds and accountability requirements.
''Sec. 1807. National standards for first responder equipment and training.''; and

(2) by adding at the end the following:

''TITLE XVIII—FUNDING FOR FIRST RESPONDERS

''SEC. 1801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the First Responder Grants Board established under section 1805(f).

''(2) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1802.

''(3) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

''(A) meets the criteria for inclusion in the qualified applicant pool for Self-Governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

''(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

''(C)(i) is located on, or within 5 miles of, an international border or waterway;

''(ii) is located within 5 miles of a facility within a critical infrastructure sector identified in section 1803(c)(2);

''(iii) is located within or contiguous to one of the 50 largest metropolitan statistical areas in the United States; or

''(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

''(4) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

''(5) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

''(6) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

''(7) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider'.

''(8) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(9) REGION.—The term 'region' means—

''(A) any geographic area consisting of all or parts of 2 or more contiguous States, counties, municipalities, or other local governments that have a combined population of at least 1,650,000 or have an area of not less than 20,000 square miles, and that, for purposes of an application for a covered grant, is represented by 1 or more governments or governmental agencies within such geographic area, and that is established by law or by agreement of 2 or more such governments or governmental agencies in a mutual aid agreement; or

''(B) any other combination of contiguous local government units (including such a combination established by law or agreement of two or more governments or governmental agencies in a mutual aid agreement) that is formally certified by the Secretary as a region for purposes of this Act with the consent of—

''(i) the State or States in which they are located, including a multi-State entity established by a compact between two or more States; and

''(ii) the incorporated municipalities, counties, and parishes that they encompass.

''(10) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities for First Responders established under section 1804.

"SEC. 1802. FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS.

''(a) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, administered under the following:

''(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

''(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

''(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

''(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

''(b) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

''(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

''(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

''(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.); the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.); and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

''(1) IN GENERAL.—For purposes of covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

''(A) the Task Force on Essential Capabilities for First Responders established under section 1804;

''(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office for Domestic Preparedness;

''(C) the Secretary of Health and Human Services;

''(D) other appropriate Federal agencies;

''(E) State and local first responder agencies and officials; and

''(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

''(2) DEADLINES.—The Secretary shall—

''(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 1804(b); and

''(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

''(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to the Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments within their jurisdictions.

''(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

''(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

''(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

''(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

''(C) the principles of regional coordination and mutual aid among State and local governments.

''(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

''(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress towards specific terrorism preparedness goals.

''(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

''(c) FACTORS TO BE CONSIDERED.—

''(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

''(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

''(A) Agriculture.

''(B) Banking and finance.

''(C) Chemical industries.

''(D) The defense industrial base.

''(E) Emergency services.

''(F) Energy.

''(G) Food.

''(H) Government.

''(I) Postal and shipping.

''(J) Public health.

''(K) Information and telecommunications networks.

''(L) Transportation.

''(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

''(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

''(A) Biological threats.

''(B) Nuclear threats.

''(C) Radiological threats.

''(D) Incendiary threats.

''(E) Chemical threats.

''(F) Explosives.

''(G) Suicide bombers.

''(H) Cyber threats.

''(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

''(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

''SEC. 1804. TASK FORCE ON ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS.

''(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 1803(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities for First Responders.

''(b) REPORT.—

''(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

''(2) CONTENTS.—The report shall—

''(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to the Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

''(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

''(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

''(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

''(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

''(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

''(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

''(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

''(c) MEMBERSHIP.—

''(1) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

''(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

''(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

''(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

''(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing one of the two major political parties, an equal number of elected officials shall be selected from each such party.

''(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HEALTH SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

''(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate one or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

''(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

''SEC. 1805. COVERED GRANT ELIGIBILITY AND CRITERIA.

''(a) GRANT ELIGIBILITY.—Any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

''(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States and local governments in achieving, maintaining, and enhancing the essential capabilities for first responders established by the Secretary under section 1803.

''(c) STATE HOMELAND SECURITY PLANS.—

''(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant must submit to the Secretary a 3-year State homeland security plan that—

''(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

''(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

''(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

''(D) describes how the State intends—

''(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

''(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

''(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

''(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

''(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

''(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

''(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

''(e) APPLICATION FOR GRANT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, or directly eligible tribe may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

''(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants must be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

''(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

''(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

''(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe to which the application pertains;

''(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

''(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

''(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

''(E) if the applicant is a region—

''(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

''(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant; and

''(iii) a designation of a specific individual to serve as regional liaison;

''(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds;

''(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison; and

''(H) a statement of how the applicant intends to meet the matching requirement, if any, that applies under section 1806(g)(2).

''(5) REGIONAL APPLICATIONS.—

''(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

''(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

''(ii) shall supplement and avoid duplication with such State application; and

''(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

''(B) STATE REVIEW AND SUBMISSION.—To ensure the consistency required under subsection (d) and the coordination required under subparagraph (A) of this paragraph, an applicant that is a region must submit its application to each State of which any part is included in the region for review and concurrence prior to the submission of such application to the Secretary. The regional application shall be transmitted to the Secretary through each such State within 30 days of its receipt, unless the Governor of such a State notifies the Secretary, in writing, that such regional application is inconsistent with the State's homeland security plan and provides an explanation of the reasons therefor.

''(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application; *Provided* That, in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

''(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

''(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

''(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

''(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

''(6) TRIBAL APPLICATIONS.—

''(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe must submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

''(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

''(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

''(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

''(i) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

''(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

''(iii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

''(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

''(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

''(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 1807(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

''(f) FIRST RESPONDER GRANTS BOARD.—

''(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a First Responder Grants Board, consisting of—

''(A) the Secretary;

''(B) the Under Secretary for Emergency Preparedness and Response;

''(C) the Under Secretary for Border and Transportation Security;

''(D) the Under Secretary for Information Analysis and Infrastructure Protection;

''(E) the Under Secretary for Science and Technology; and

''(F) the Director of the Office for Domestic Preparedness.

''(2) CHAIRMAN.—

''(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

''(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

''(3) RANKING OF GRANT APPLICATIONS.—

''(A) PRIORITIZATION OF GRANTS.—The Board—

''(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

''(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

''(B) MINIMUM AMOUNTS.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year—

''(i) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under subsection (c)(1)(C);

''(ii) each of the States, other than the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, that has an approved State homeland security plan and that meets one or both of the additional high-risk qualifying criteria under subparagraph (C) receives no less than 0.45 percent of the funds available for covered grants for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of needs under subsection (c)(1)(C);

''(iii) the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each receives no less than 0.08 percent of the funds available for covered grants for that fiscal year for purposes of implementing its approved State homeland security plan in accordance with the prioritization of needs under subsection (c)(1)(C); and

''(iv) directly eligible tribes collectively receive no less than 0.08 percent of the funds available for covered grants for such fiscal year for purposes of addressing the needs identified in the applications of such tribes, consistent with the homeland security plan of each State within the boundaries of which any part of any such tribe is located, except that this clause shall not apply with respect to funds available for a fiscal year if the Secretary receives less than 5 applications for such fiscal year from such tribes under subsection (e)(6)(A) or does not approve at least one such application.

''(C) ADDITIONAL HIGH-RISK QUALIFYING CRITERIA.—For purposes of subparagraph (B)(ii), additional high-risk qualifying criteria consist of—

''(i) having a significant international land border; or

''(ii) adjoining a body of water within North America through which an international boundary line extends.

''(4) EFFECT OF REGIONAL AWARDS ON STATE MINIMUM.—Any regional award, or portion thereof, provided to a State under subsection (e)(5)(C) shall not be considered in calculating the minimum State award under paragraph (3)(B) of this subsection.

''(5) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.

''SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

''(a) IN GENERAL.—A covered grant may be used for—

''(1) purchasing or upgrading equipment, including computer software, to enhance terrorism preparedness and response;

''(2) exercises to strengthen terrorism preparedness and response;

''(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

''(4) developing or updating response plans;

''(5) establishing or enhancing mechanisms for sharing terrorism threat information;

''(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

''(7) additional personnel costs resulting from—

''(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

''(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

''(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

''(D) participation in information, investigative, and intelligence sharing activities specifically related to terrorism prevention;

''(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

''(9) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

''(A) $1,000,000 per project; or

''(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

''(10) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

''(11) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

''(12) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

''(13) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

''(14) other appropriate activities as determined by the Secretary.

''(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

''(1) to supplant State or local funds;

''(2) to construct buildings or other physical facilities;

''(3) to acquire land; or

''(4) for any State or local government cost sharing contribution.

''(c) MULTIPLE-PURPOSE FUNDS.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 1803.

''(d) REIMBURSEMENT OF COSTS.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(e) ASSISTANCE REQUIREMENT.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

''(f) FLEXIBILITY IN UNSPENT HOMELAND SECURITY GRANT FUNDS.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

''(g) STATE, REGIONAL, AND TRIBAL RESPONSIBILITIES.—

''(1) PASS-THROUGH.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

''(2) COST SHARING.—

''(A) IN GENERAL.—The Federal share of the costs of an activity carried out with a covered grant to a State, region, or directly eligible tribe awarded after the 2-year period beginning on the date of the enactment of this section shall not exceed 75 percent.

''(B) INTERIM RULE.—The Federal share of the costs of an activity carried out with a covered grant awarded before the end of the 2-year period beginning on the date of the enactment of this section shall be 100 percent.

''(C) IN-KIND MATCHING.—Each recipient of a covered grant may meet the matching requirement under subparagraph (A) by making in-kind contributions of goods or services that are directly linked with the purpose for which the grant is made, including, but not limited to, any necessary personnel overtime, contractor services, administrative costs, equipment fuel and maintenance, and rental space.

''(3) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO LOCAL GOVERNMENTS.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

''(4) QUARTERLY REPORT ON HOMELAND SECURITY SPENDING.—The Federal share described in paragraph (2)(A) may be increased by up to 2 percent for any State, region, or directly eligible tribe that, not later than 30 days after the end of each fiscal quarter, submits to the Secretary a report on that fiscal quarter. Each such report must include, for each recipient of a covered grant or a pass-through under paragraph (1)—

''(A) the amount obligated to that recipient in that quarter;

''(B) the amount expended by that recipient in that quarter; and

''(C) a summary description of the items purchased by such recipient with such amount.

''(5) ANNUAL REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region must simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe must simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report must include the following:

''(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

''(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

''(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

''(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

''(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

''(6) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (5) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

''(7) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (5) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office for Domestic Preparedness.

''(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

''(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

''(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

''(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

''(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

''(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

''(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

''(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

''(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1805(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

''(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

''(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

''(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

''(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

''(iii) the local government complies with subparagraphs (B) and (C).

''(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

''(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

''(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

''(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

''(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

''(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

''(i) shall not affect any payment to another local government under this paragraph; and

''(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

''(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

''(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to the Congress by December 31 of each year—

''(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

''(2) containing information on the use of such grant funds by grantees; and

''(3) describing—

''(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 1803(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

''(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 1803(a).

''SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

''(a) EQUIPMENT STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1805(e)(7). Such standards—

''(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

''(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

''(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

''(D) shall cover all appropriate uses of the equipment.

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

''(A) Thermal imaging equipment.

''(B) Radiation detection and analysis equipment.

''(C) Biological detection and analysis equipment.

''(D) Chemical detection and analysis equipment.

''(E) Decontamination and sterilization equipment.

''(F) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

''(G) Respiratory protection equipment.

''(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

''(I) Explosive mitigation devices and explosive detection and analysis equipment.

''(J) Containment vessels.

''(K) Contaminant-resistant vehicles.

''(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

''(b) TRAINING STANDARDS.—

''(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

''(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

''(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

''(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

''(A) Regional planning.

''(B) Joint exercises.

''(C) Intelligence collection, analysis, and sharing.

''(D) Emergency notification of affected populations.

''(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

''(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

''(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

''(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

''(1) the National Institute of Standards and Technology;

''(2) the National Fire Protection Association;

''(3) the National Association of County and City Health Officials;

''(4) the Association of State and Territorial Health Officials;

''(5) the American National Standards Institute;

''(6) the National Institute of Justice;

''(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

''(8) the National Public Health Performance Standards Program;

''(9) the National Institute for Occupational Safety and Health;

''(10) ASTM International;

''(11) the International Safety Equipment Association;

''(12) the Emergency Management Accreditation Program; and

''(13) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

''(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.''.

(b) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking ''includes'' and all that follows and inserting ''includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.''.

(c) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as amended by subsection (a), shall not apply during the 1-year period beginning on the date of the enactment of this Act:

(A) Subsections (b), (c), and (e)(4)(A) and (B) of section 1805.

(B) In section 1805(f)(3)(A), the phrase '', by enhancing the essential capabilities of the applicants,''.

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as amended by subsection (a), shall not apply during the 2-year period beginning on the date of the enactment of this Act:

(A) Subparagraphs (D) and (E) of section 1806(g)(5).

(B) Section 1806(i)(3).

SEC. 5004. COORDINATION OF INDUSTRY EFFORTS.

Section 102(f) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 112(f)) is amended by striking ''and'' after the semicolon at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following:

''(8) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.''.

SEC. 5005. SUPERSEDED PROVISION.

This subtitle supersedes section 1014 of Public Law 107–56.

SEC. 5006. SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.

(a) FINDING.—The Congress finds that—

(1) many emergency response providers (as defined under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act) working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another; and

(2) their inability to do so threatens the public's safety and may result in unnecessary loss of lives and property.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the emergency response provider community, and that upgraded and new digital communications systems and new digital radios must meet prevailing national, voluntary consensus standards for interoperability.

SEC. 5007. SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.

(a) FINDING.—The Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

SEC. 5008. STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.

(a) STUDY.—The Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost-effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(1) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(2) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(b) TECHNOLOGIES TO CONSIDER.—In conducting the study, the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(c) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a report regarding the conclusions of the study.

SEC. 5009. REQUIRED COORDINATION.

The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

Subtitle B—Government Reorganization Authority

SEC. 5021. AUTHORIZATION OF INTELLIGENCE COMMUNITY REORGANIZATION PLANS.

(a) REORGANIZATION PLANS.—Section 903(a)(2) of title 5, United States Code, is amended to read as follows:

''(2) the abolition of all or a part of the functions of an agency;''.

(b) REPEAL OF LIMITATIONS.—Section 905 of title 5, United States Code, is amended to read as follows:

''§ 905. Limitation on authority.

''The authority to submit reorganization plans under this chapter is limited to the following organizational units:

''(1) The Office of the National Intelligence Director.

''(2) The Central Intelligence Agency.

''(3) The National Security Agency.

''(4) The Defense Intelligence Agency.

''(5) The National Geospatial-Intelligence Agency.

''(6) The National Reconnaissance Office.

''(7) Other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs.

''(8) The intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, and the Department of Energy.

''(9) The Bureau of Intelligence and Research of the Department of State.

''(10) The Office of Intelligence Analysis of the Department of Treasury.

''(11) The elements of the Department of Homeland Security concerned with the analysis of intelligence information, including the Office of Intelligence of the Coast Guard.

''(12) 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.''.

(c) REORGANIZATION PLANS.—903(a) of title 5, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' after the semicolon;

(2) in paragraph (6), by striking the period and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) the creation of an agency.''.

(d) APPLICATION OF CHAPTER.—Chapter 9 of title 5, United States Code, is amended by adding at the end the following:

''§ 913. Application of chapter

''This chapter shall apply to any reorganization plan transmitted to Congress in accordance with section 903(b) on or after the date of enactment of this section.''.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 9 of title 5, United States Code, is amended by adding after the item relating to section 912 the following:

''913. Application of chapter.''.

(2) REFERENCES.—Chapter 9 of title 5, United States Code, is amended—

(A) in section 908(1), by striking ''on or before December 31, 1984''; and (B) in section 910, by striking ''Government Operations'' each place it appears and inserting ''Government Reform''.

(3) DATE MODIFICATION.—Section 909 of title 5, United States Code, is amended in the first sentence by striking ''19'' and inserting ''20''.

Subtitle C—Restructuring Relating to the Department of Homeland Security and Congressional Oversight

SEC. 5025. RESPONSIBILITIES OF COUNTERNARCOTICS OFFICE.

(a) AMENDMENT.—Section 878 of the Homeland Security Act of 2002 (6 U.S.C. 458) is amended to read as follows:

''SEC. 878. OFFICE OF COUNTERNARCOTICS ENFORCEMENT.

''(a) OFFICE.—There shall be in the Department an Office of Counternarcotics Enforcement, which shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate.

''(b) ASSIGNMENT OF PERSONNEL.—(1) The Secretary shall assign to the Office permanent staff and other appropriate personnel detailed from other subdivisions of the Department to carry out responsibilities under this section.

''(2) The Secretary shall designate senior employees from each appropriate subdivision of the Department that has significant counternarcotics responsibilities to act as a liaison between that subdivision and the Office of Counternarcotics Enforcement.

''(c) LIMITATION ON CONCURRENT EMPLOYMENT.—Except as provided in subsection (d), the Director of the Office of Counternarcotics Enforcement shall not be employed by, assigned to, or serve as the head of, any other branch of the Federal Government, any State or local government, or any subdivision of the Department other than the Office of Counternarcotics Enforcement.

''(d) ELIGIBILITY TO SERVE AS THE UNITED STATES INTERDICTION COORDINATOR.—The Director of the Office of Counternarcotics Enforcement may be appointed as the United States Interdiction Coordinator by the Director of the Office of National Drug Control Policy, and shall be the only person at the Department eligible to be so appointed.

''(e) RESPONSIBILITIES.—The Secretary shall direct the Director of the Office of Counternarcotics Enforcement—

''(1) to coordinate policy and operations within the Department, between the Department and other Federal departments and agencies, and between the Department and State and local agencies with respect to stopping the entry of illegal drugs into the United States;

''(2) to ensure the adequacy of resources within the Department for stopping the entry of illegal drugs into the United States;

''(3) to recommend the appropriate financial and personnel resources necessary to help the Department better fulfill its responsibility to stop the entry of illegal drugs into the United States;

''(4) within the Joint Terrorism Task Force construct to track and sever connections between illegal drug trafficking and terrorism; and

''(5) to be a representative of the Department on all task forces, committees, or other entities whose purpose is to coordinate the counternarcotics enforcement activities of the Department and other Federal, state or local agencies.

''(f) REPORTS TO CONGRESS.—

''(1) ANNUAL BUDGET REVIEW.—The Director of the Office of Counternarcotics Enforcement shall, not later than 30 days after the submission by the President to Congress of any request for expenditures for the Department, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of such request. The review and evaluation shall—

''(A) identify any request or subpart of any request that affects or may affect the counternarcotics activities of the Department or any of its subdivisions, or that affects the ability of the Department or any subdivision of the Department to meet its responsibility to stop the entry of illegal drugs into the United States;

''(B) describe with particularity how such requested funds would be or could be expended in furtherance of counternarcotics activities; and

''(C) compare such requests with requests for expenditures and amounts appropriated by Congress in the previous fiscal year.

''(2) EVALUATION OF COUNTERNARCOTICS ACTIVITIES.—The Director of the Office of Counternarcotics Enforcement shall, not later than February 1 of each year, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of the counternarcotics activities of the Department for the previous fiscal year. The review and evaluation shall—

''(A) describe the counternarcotics activities of the Department and each subdivision of the Department (whether individually or in cooperation with other subdivisions of the Department, or in cooperation with other branches of the Federal Government or with State or local agencies), including the methods, procedures, and systems (including computer systems) for collecting, analyzing, sharing, and disseminating information concerning narcotics activity within the Department and between the Department and other Federal, State, and local agencies;

''(B) describe the results of those activities, using quantifiable data whenever possible;

''(C) state whether those activities were sufficient to meet the responsibility of the Department to stop the entry of illegal drugs into the United States, including a description of the performance measures of effectiveness that were used in making that determination; and

''(D) recommend, where appropriate, changes to those activities to improve the performance of the Department in meeting its responsibility to stop the entry of illegal drugs into the United States.

''(3) CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of a review and evaluation described in the reports required in this subsection that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Secretary, would be detrimental to the law enforcement or national security activities of the Department or any other Federal, State, or local agency, shall be presented to Congress separately from the rest of the review and evaluation.''.

(b) CONFORMING AMENDMENT.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) A Director of the Office of Counternarcotics Enforcement.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts appropriated for the Department of Homeland Security for Departmental management and operations for fiscal year 2005, there is authorized up to $6,000,000 to carry out section 878 of the Department of Homeland Security Act of 2002 (as amended by this section).

SEC. 5026. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.

(a) IN GENERAL.—Subtitle E of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 411 and following) is amended by adding at the end the following:

''SEC. 843. USE OF COUNTERNARCOTICS ENFORCEMENT ACTIVITIES IN CERTAIN EMPLOYEE PERFORMANCE APPRAISALS.

''(a) IN GENERAL.—Each subdivision of the Department that is a National Drug Control Program Agency shall include as one of the criteria in its performance appraisal system, for each employee directly or indirectly involved in the enforcement of Federal, State, or local narcotics laws, the performance of that employee with respect to the enforcement of Federal, State, or local narcotics laws, relying to the greatest extent practicable on objective performance measures, including—

''(1) the contribution of that employee to seizures of narcotics and arrests of violators of Federal, State, or local narcotics laws; and

''(2) the degree to which that employee cooperated with or contributed to the efforts of other employees, either within the Department or other Federal, State, or local agencies, in counternarcotics enforcement.

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

''(1) the term 'National Drug Control Program Agency' means—

''(A) a National Drug Control Program Agency, as defined in section 702(7) of the Office of National Drug Control Policy Reauthorization Act of 1998 (as last in effect); and

''(B) any subdivision of the Department that has a significant counternarcotics responsibility, as determined by—

''(i) the counternarcotics officer, appointed under section 878; or

''(ii) if applicable, the counternarcotics officer's successor in function (as determined by the Secretary); and

''(2) the term 'performance appraisal system' means a system under which periodic appraisals of job performance of employees are made, whether under chapter 43 of title 5, United States Code, or otherwise.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the item relating to section 842 the following:

''Sec. 843. Use of counternarcotics enforcement activities in certain employee performance appraisals.''.

SEC. 5027. SENSE OF THE HOUSE OF REPRESENTATIVES ON ADDRESSING HOMELAND SECURITY FOR THE AMERICAN PEOPLE.

(a) FINDINGS.—The House of Representatives finds that—

(1) the House of Representatives created a Select Committee on Homeland Security at the start of the 108th Congress to provide for vigorous congressional oversight for the implementation and operation of the Department of Homeland Security;

(2) the House of Representatives also charged the Select Committee on Homeland Security with undertaking a thorough and complete study of the operation and implementation of the rules of the House, including the rule governing committee jurisdiction, with respect to the issue of homeland security and to make its recommendations to the Committee on Rules;

(3) on February 11, 2003, the Committee on Appropriations of the House of Representatives created a new Subcommittee on Homeland Security with jurisdiction over the Transportation Security Administration, the Coast Guard, and other entities within the Department of Homeland Security to help address the integration of the Department of Homeland Security's 22 legacy agencies; and

(4) during the 108th Congress, the House of Representatives has taken several steps to help ensure its continuity in the event of a terrorist attack, including—

(A) adopting H.R. 2844, the Continuity of Representation Act, a bill to require States to hold expedited special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker in extraordinary circumstances;

(B) granting authority for joint-leadership recalls from a period of adjournment to an alternate place;

(C) allowing for anticipatory consent with the Senate to assemble in an alternate place;

(D) establishing the requirement that the Speaker submit to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the Office of Speaker (including physical inability of the Speaker to discharge his duties) until the election of a Speaker or a Speaker pro tempore, exercising such authorities of the Speaker as may be necessary and appropriate to that end;

(E) granting authority for the Speaker to declare an emergency recess of the House subject to the call of the Chair when notified of an imminent threat to the safety of the House;

(F) granting authority for the Speaker, during any recess or adjournment of not more than three days, in consultation with the Minority Leader, to postpone the time for reconvening or to reconvene before the time previously appointed solely to declare the House in recess, in each case within the constitutional three-day limit;

(G) establishing the authority for the Speaker to convene the House in an alternate place within the seat of Government; and

(H) codifying the long-standing practice that the death, resignation, expulsion, disqualification, or removal of a Member results in an adjustment of the quorum of the House, which the Speaker shall announce to the House and which shall not be subject to appeal.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that the Committee on Rules should act upon the recommendations provided by the Select Committee on Homeland Security, and other committees of existing jurisdiction, regarding the jurisdiction over proposed legislation, messages, petitions, memorials and other matters relating to homeland security prior to or at the start of the 109th Congress.

SEC. 5028. ASSISTANT SECRETARY FOR CYBERSECURITY.

(a) IN GENERAL.—Subtitle A of title II of the Homeland Security Act of 2002 (6 USC 121 et. seq.) is amended by adding at the end the following:

"SEC. 203. ASSISTANT SECRETARY FOR CYBERSERCURITY.

''(a) IN GENERAL.—There shall be in the Department an Assistant Secretary for Cybersecurity, who shall be appointed by the President.

''(b) RESPONSIBILITIES.—The Assistant Secretary for Cybersecurity shall assist the Under Secretary for Information Analysis and Infrastructure Protection in discharging the responsibilities of the Under Secretary under this subtitle.

''(c) AUTHORITY OVER THE NATIONAL COMMUNICATIONS SYSTEM.—The Assistant Secretary shall have primary authority within the Department over the National Communications System.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 202 the following:

''203. Assistant Secretary for Cybersecurity.''.

Subtitle D—Improvements to Information Security

SEC. 5031. AMENDMENTS TO CLINGER-COHEN PROVISIONS TO ENHANCE AGENCY PLANNING FOR INFORMATION SECURITY NEEDS.

Chapter 113 of title 40, United States Code, is amended—

(1) in section 11302(b), by inserting ''security,'' after ''use,'';

(2) in section 11302(c), by inserting '', including information security risks,'' after ''risks'' both places it appears;

(3) in section 11312(b)(1), by striking ''information technology investments'' and inserting ''investments in information technology (including information security needs)''; and

(4) in section 11315(b)(2), by inserting '', secure,'' after ''sound''.

Subtitle E—Personnel Management Improvements

CHAPTER 1—APPOINTMENTS PROCESS REFORM

SEC. 5041. APPOINTMENTS TO NATIONAL SECURITY POSITIONS.

(a) DEFINITION OF NATIONAL SECURITY POSITION.—For purposes of this section, the term ''national security position'' shall include—

(1) those positions that involve activities of the United States Government that are concerned with the protection of the Nation from foreign aggression, terrorism, or espionage, including development of defense plans or policies, intelligence or counterintelligence activities, and related activities concerned with the preservation of military strength of the United States and protection of the homeland; and

(2) positions that require regular use of, or access to, classified information.

(b) PUBLICATION IN THE FEDERAL REGISTER.—Not later than 60 days after the effective date of this section, the Director of the Office of Personnel Management shall publish in the Federal Register a list of offices that constitute national security positions under section (a) for which Senate confirmation is required by law, and the Director shall revise such list from time to time as appropriate.

(c) PRESIDENTIAL APPOINTMENTS.—(1) With respect to appointment of individuals to offices identified under section (b) and listed in sections 5315 or 5316 of title 5, United States Code, which shall arise after the publication of the list required by section (b), and notwithstanding any other provision of law, the advice and consent of the Senate shall not be required, but rather such appointment shall be made by the President alone.

(2) With respect to appointment of individuals to offices identified under section (b) and listed in sections 5313 or 5314 of title 5, United States Code, which shall arise after the publication of the list required by section (b), and notwithstanding any other provision of law, the advice and consent of the Senate shall be required, except that if 30 legislative days shall have expired from the date on which a nomination is submitted to the Senate without a confirmation vote occurring in the Senate, such appointment shall be made by the President alone.

(3) For the purposes of this subsection, the term ''legislative day'' means a day on which the Senate is in session.

SEC. 5042. PRESIDENTIAL INAUGURAL TRANSITIONS.

Subsections (a) and (b) of section 3349a of title 5, United States Code, are amended to read as follows:

''(a) As used in this section—

''(1) the term 'inauguration day' means the date on which any person swears or affirms the oath of office as President; and

''(2) the term 'specified national security position' shall mean not more than 20 positions requiring Senate confirmation, not to include more than 3 heads of Executive Departments, which are designated by the President on or after an inauguration day as positions for which the duties involve substantial responsibility for national security.

''(b) With respect to any vacancy that exists during the 60-day period beginning on an inauguration day, except where the person swearing or affirming the oath of office was the President on the date preceding the date of swearing or affirming such oath of office, the 210-day period under section 3346 or 3348 shall be deemed to begin on the later of the date occurring—

''(1) 90 days after such transitional inauguration day; or

''(2) 90 days after the date on which the vacancy occurs.

''(c) With respect to any vacancy in any specified national security position that exists during the 60-day period beginning on an inauguration day, the requirements of subparagraphs (A) and (B) of section 3345(a)(3) shall not apply.''.

SEC. 5043. PUBLIC FINANCIAL DISCLOSURE FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting before title IV the following:

"TITLE III—INTELLIGENCE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

"SEC. 301. PERSONS REQUIRED TO FILE.

''(a) Within 30 days of assuming the position of an officer or employee described in subsection (e), an individual shall file a report containing the information described in section 302(b) unless the individual has left another position described in subsection (e) within 30 days prior to assuming such new position or has already filed a report under this title with respect to nomination for the new position or as a candidate for the position.

''(b)(1) Within 5 days of the transmittal by the President to the Senate of the nomination of an individual to a position in the executive branch, appointment to which requires the advice and consent of the Senate, such individual shall file a report containing the information described in section 302(b). Such individual shall, not later than the date of the first hearing to consider the nomination of such individual, make current the report filed pursuant to this paragraph by filing the information required by section 302(a)(1)(A) with respect to income and honoraria received as of the date which occurs 5 days before the date of such hearing. Nothing in this Act shall prevent any congressional committee from requesting, as a condition of confirmation, any additional financial information from any Presidential nominee whose nomination has been referred to that committee.

''(2) An individual whom the President or the President-elect has publicly announced he intends to nominate to a position may file the report required by paragraph (1) at any time after that public announcement, but not later than is required under the first sentence of such paragraph.

''(c) Any individual who is an officer or employee described in subsection (e) during any calendar year and performs the duties of his position or office for a period in excess of 60 days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information described in section 302(a).

''(d) Any individual who occupies a position described in subsection (e) shall, on or before the 30th day after termination of employment in such position, file a report containing the information described in section 302(a) covering the preceding calendar year if the report required by subsection (c) has not been filed and covering the portion of the calendar year in which such termination occurs up to the date the individual left such office or position, unless such individual has accepted employment in or takes the oath of office for another position described in subsection (e) or section 101(f).

''(e) The officers and employees referred to in subsections (a), (c), and (d) are those officers and employees who—

''(1) are employed in or under—

''(A) the Office of the National Intelligence Director; or

''(B) an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)); and

''(2) would (but for this subsection) otherwise be subject to title I by virtue of paragraph (3) of section 101(f), including—

''(A) any special Government employee and any member of a uniformed service who is described in such paragraph; and

''(B) any officer or employee in any position with respect to which the Director of the Office of Government Ethics makes a determination described in such paragraph.

''(f)(1) Reasonable extensions of time for filing any report may be granted under procedures prescribed by the Office of Government Ethics, but the total of such extensions shall not exceed 90 days.

''(2)(A) In the case of an individual who is serving in the Armed Forces, or serving in support of the Armed Forces, in an area while that area is designated by the President by Executive order as a combat zone for

purposes of section 112 of the Internal Revenue Code of 1986, the date for the filing of any report shall be extended so that the date is 180 days after the later of—

''(i) the last day of the individual's service in such area during such designated period; or

''(ii) the last day of the individual's hospitalization as a result of injury received or disease contracted while serving in such area.

''(B) The Office of Government Ethics, in consultation with the Secretary of Defense, may prescribe procedures under this paragraph.

''(g) The Director of the Office of Government Ethics may grant a publicly available request for a waiver of any reporting requirement under this title with respect to an individual if the Director determines that—

''(1) such individual is not a full-time employee of the Government;

''(2) such individual is able to provide special services needed by the Government;

''(3) it is unlikely that such individual's outside employment or financial interests will create a conflict of interest;

''(4) such individual is not reasonably expected to perform the duties of his office or position for more than 60 days in a calendar year; and

''(5) public financial disclosure by such individual is not necessary in the circumstances.

''SEC. 302. CONTENTS OF REPORTS.

''(a) Each report filed pursuant to section 301 (c) and (d) shall include a full and complete statement with respect to the following:

''(1)(A) The source, description, and category of amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), received during the preceding calendar year, aggregating more than $500 in amount or value, except that honoraria received during Government service by an officer or employee shall include, in addition to the source, the exact amount and the date it was received.

''(B) The source, description, and category of amount or value of investment income which may include but is not limited to dividends, rents, interest, and capital gains, received during the preceding calendar year which exceeds $500 in amount or value.

''(C) The categories for reporting the amount or value of income covered in subparagraphs (A) and (B) are—

''(i) greater than $500 but not more than $20,000;

''(ii) greater than $20,000 but not more than $100,000;

''(iii) greater than $100,000 but not more than $1,000,000;

''(iv) greater than $1,000,000 but not more than $2,500,000; and

''(v) greater than $2,500,000.

''(2)(A) The identity of the source, a brief description, and the value of all gifts aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater, received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of an individual need not be reported, and any gift with a fair market value of $100 or less, as adjusted at the same time and by the same percentage as the minimal value is adjusted, need not be aggregated for purposes of this subparagraph.

''(B) The identity of the source and a brief description (including dates of travel and nature of expenses provided) of reimbursements received from any source aggregating more than the minimal value as established by section 7342(a)(5) of title 5, United States Code, or $250, whichever is greater and received during the preceding calendar year.

''(C) In an unusual case, a gift need not be aggregated under subparagraph (A) if a publicly available request for a waiver is granted.

''(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $5,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a spouse, or by a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse, or any deposit accounts aggregating $100,000 or less in a financial institution, or any Federal Government securities aggregating $100,000 or less.

''(4) The identity and category of value of the total liabilities owed to any creditor other than a spouse, or a parent, brother, sister, or child of the reporting individual or of the reporting individual's spouse which exceed $20,000 at any time during the preceding calendar year, excluding—

''(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse; and

''(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $20,000 as of the close of the preceding calendar year need be reported under this paragraph.

''(5) Except as provided in this paragraph, a brief description of any real property, other than property used solely as a personal residence of the reporting individual or his spouse, and stocks, bonds, commodities futures, and other forms of securities, if—

''(A) purchased, sold, or exchanged during the preceding calendar year;

''(B) the value of the transaction exceeded $5,000; and

''(C) the property or security is not already required to be reported as a source of income pursuant to paragraph (1)(B) or as an asset pursuant to paragraph (3).

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

''(6)(A) The identity of all positions held on or before the date of filing during the current calendar year (and, for the first report filed by an individual, during the 1-year period preceding such calendar year) as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States Government. This subparagraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

''(B) If any person, other than a person reported as a source of income under paragraph (1)(A) or the United States Government, paid a nonelected reporting individual compensation in excess of $25,000 in the calendar year in which, or the calendar year prior to the calendar year in which, the individual files his first report under this title, the individual shall include in the report—

''(i) the identity of each source of such compensation; and

''(ii) a brief description of the nature of the duties performed or services rendered by the reporting individual for each such source.

''(C) Subparagraph (B) shall not require any individual to include in such report any information—

''(i) with respect to a person for whom services were provided by any firm or association of which such individual was a member, partner, or employee, unless the individual was directly involved in the provision of such services;

''(ii) that is protected by a court order or is under seal; or

''(iii) that is considered confidential as a result of—

''(I) a privileged relationship established by a confidentiality agreement entered into at the time the person retained the services of the individual;

''(II) a grand jury proceeding or a nonpublic investigation, if there are no public filings, statements, appearances, or reports that identify the person for whom such individual is providing services; or

''(III) an applicable rule of professional conduct that prohibits disclosure of the information and that can be enforced by a professional licensing body.

''(7) A description of parties to and terms of any agreement or arrangement with respect to (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer. The description of any formal agreement for future employment shall include the date of that agreement.

''(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust.

''(b)(1) Each report filed pursuant to subsections (a) and (b) of section 301 shall include a full and complete statement with respect to the information required by—

''(A) paragraphs (1) and (6) of subsection (a) for the year of filing and the preceding calendar year,

''(B) paragraphs (3) and (4) of subsection (a) as of the date specified in the report but which is less than 31 days before the filing date, and

''(C) paragraph (7) of subsection (a) as of the filing date but for periods described in such paragraph.

''(2)(A) In lieu of filling out 1 or more schedules of a financial disclosure form, an individual may supply the required information in an alternative format, pursuant to either rules adopted by the Office of Government Ethics or pursuant to a specific written determination by the Director of the Office of Government Ethics for a reporting individual.

''(B) In lieu of indicating the category of amount or value of any item contained in any report filed under this title, a reporting individual may indicate the exact dollar amount of such item.

''(c) In the case of any individual described in section 301(e), any reference to the preceding calendar year shall be considered also to include that part of the calendar year of filing up to the date of the termination of employment.

''(d)(1) The categories for reporting the amount or value of the items covered in subsection (a)(3) are—

''(A) greater than $5,000 but not more than $15,000;

''(B) greater than $15,000 but not more than $25,000;

''(C) greater than $25,000 but not more than $100,000;

''(D) greater than $100,000 but not more than $1,000,000;

''(E) greater than $1,000,000 but not more than $2,500,000; and

''(F) greater than $2,500,000.

''(2) For the purposes of subsection (a)(3) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1). If the current value of any other item required to be reported under subsection (a)(3) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

''(3) The categories for reporting the amount or value of the items covered in paragraphs (4) and (8) of subsection (a) are—

''(A) greater than $20,000 but not more than $100,000;

''(B) greater than $100,000 but not more than $500,000;

''(C) greater than $500,000 but not more than $1,000,000; and

''(D) greater than $1,000,000.

''(e)(1) Except as provided in subparagraph (F), each report required by section 301 shall also contain information listed in paragraphs (1) through (5) of subsection (a) respecting the spouse or dependent child of the reporting individual as follows:

''(A) The sources of earned income earned by a spouse, including honoraria, which exceed $500, except that, with respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

''(B) All information required to be reported in subsection (a)(1)(B) with respect to investment income derived by a spouse or dependent child.

''(C) In the case of any gifts received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment and a brief description and the value of other gifts.

''(D) In the case of any reimbursements received by a spouse or dependent child which are not received totally independent of the relationship of the spouse or dependent child to the reporting individual, the identity of the source and a brief description of each such reimbursement.

''(E) In the case of items described in paragraphs (3) through (5) of subsection (a), all information required to be reported under these paragraphs other than items which the reporting individual certifies (i) represent the spouse's or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) are ones from which he neither derives, nor expects to derive, any financial or economic benefit.

''(F) Reports required by subsections (a), (b), and (c) of section 301 shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a).

''(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation, or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

''(f)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsections (a), (b), and (c) with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

''(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

''(A) any qualified blind trust (as defined in paragraph (3));

''(B) a trust—

''(i) which was not created directly by such individual, his spouse, or any dependent child, and

''(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge; or

''(C) an entity described under the provisions of paragraph (8), but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust or other entity under subsection (a)(1)(B).

''(3) For purposes of this subsection, the term 'qualified blind trust' includes any trust in which a reporting individual, his spouse, or any minor or dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

''(A)(i) The trustee of the trust and any other entity designated in the trust instrument to perform fiduciary duties is a financial institution, an attorney, a certified public accountant, a broker, or an investment advisor who—

''(I) is independent of and not affiliated with any interested party so that the trustee or other person cannot be controlled or influenced in the administration of the trust by any interested party;

''(II) is not and has not been an employee of or affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party; and

''(III) is not a relative of any interested party.

''(ii) Any officer or employee of a trustee or other entity who is involved in the management or control of the trust—

''(I) is independent of and not affiliated with any interested party so that such officer or employee cannot be controlled or influenced in the administration of the trust by any interested party;

''(II) is not a partner of, or involved in any joint venture or other investment with, any interested party; and

''(III) is not a relative of any interested party.

''(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the Office of Government Ethics.

''(C) The trust instrument which establishes the trust provides that—

''(i) except to the extent provided in subparagraph (B), the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

''(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

''(iii) the trustee shall promptly notify the reporting individual and the Office of Government Ethics when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

''(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

''(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1) of this section, but such report shall not identify any asset or holding;

''(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

''(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

''(D) The proposed trust instrument and the proposed trustee is approved by the Office of Government Ethics.

''(E) For purposes of this subsection, 'interested party' means a reporting individual, his spouse, and any minor or dependent child; 'broker' has the meaning set forth in section 3(a)(4) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4)); and 'investment adviser' includes any investment adviser who, as determined under regulations prescribed by the supervising ethics office, is generally involved in his role as such an adviser in the management or control of trusts.

''(4)(A) An asset placed in a trust by an interested party shall be considered a financial

interest of the reporting individual, for the purposes of any applicable conflict of interest statutes, regulations, or rules of the Federal Government (including section 208 of title 18, United States Code), until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

''(B)(i) The provisions of subparagraph (A) shall not apply with respect to a trust created for the benefit of a reporting individual, or the spouse, dependent child, or minor child of such a person, if the Office of Government Ethics finds that—

''(I) the assets placed in the trust consist of a widely-diversified portfolio of readily marketable securities;

''(II) none of the assets consist of securities of entities having substantial activities in the area of the reporting individual's primary area of responsibility;

''(III) the trust instrument prohibits the trustee, notwithstanding the provisions of paragraph (3)(C) (iii) and (iv), from making public or informing any interested party of the sale of any securities;

''(IV) the trustee is given power of attorney, notwithstanding the provisions of paragraph (3)(C)(v), to prepare on behalf of any interested party the personal income tax returns and similar returns which may contain information relating to the trust; and

''(V) except as otherwise provided in this paragraph, the trust instrument provides (or in the case of a trust which by its terms does not permit amendment, the trustee, the reporting individual, and any other interested party agree in writing) that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A).

''(ii) In any instance covered by subparagraph (B) in which the reporting individual is an individual whose nomination is being considered by a congressional committee, the reporting individual shall inform the congressional committee considering his nomination before or during the period of such individual's confirmation hearing of his intention to comply with this paragraph.

''(5)(A) The reporting individual shall, within 30 days after a qualified blind trust is approved by the Office of Government Ethics, file with such office a copy of—

''(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

''(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (d).

This subparagraph shall not apply with respect to a trust meeting the requirements for being considered a qualified blind trust under paragraph (7).

''(B) The reporting individual shall, within 30 days of transferring an asset (other than cash) to a previously established qualified blind trust, notify the Office of Government Ethics of the identity of each such asset and the category of value of each asset as determined under subsection (d).

''(C) Within 30 days of the dissolution of a qualified blind trust, a reporting individual shall (i) notify the Office of Government Ethics of such dissolution, and (ii) file with such Office and his designated agency ethics official a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (c) of each such asset.

''(D) Documents filed under subparagraphs (A), (B), and (C) and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 305 and the provisions of that section shall apply with respect to such documents and lists.

''(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the Office of Government Ethics within 5 days of the date of the communication.

''(6)(A) A trustee of a qualified blind trust shall not knowingly and willfully, or negligently, (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3); (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) or the trust agreement; or (iv) fail to file any document required by this subsection.

''(B) A reporting individual shall not knowingly and willfully, or negligently, (i) solicit or receive any information with respect to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) or (ii) fail to file any document required by this subsection.

''(C)(i) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B). The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $11,000.

''(ii) The Attorney General may bring a civil action in any appropriate United States district court against any individual who negligently violates the provisions of subparagraph (A) or (B). The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,500.

''(7) Any trust may be considered to be a qualified blind trust if—

''(A) the trust instrument is amended to comply with the requirements of paragraph (3) or, in the case of a trust instrument which does not by its terms permit amendment, the trustee, the reporting individual, and any other interested party agree in writing that the trust shall be administered in accordance with the requirements of this subsection and the trustee of such trust meets the requirements of paragraph (3)(A); except that in the case of any interested party who is a dependent child, a parent or guardian of such child may execute the agreement referred to in this subparagraph;paragraph;

''(B) a copy of the trust instrument (except testamentary provisions) and a copy of the agreement referred to in subparagraph (A), and a list of the assets held by the trust at the time of approval by the Office of Government Ethics, including the category of value of each asset as determined under subsection (d), are filed with such office and made available to the public as provided under paragraph (5)(D); and

''(C) the Director of the Office of Government Ethics determines that approval of the trust arrangement as a qualified blind trust is in the particular case appropriate to assure compliance with applicable laws and regulations.

''(8) A reporting individual shall not be required to report the financial interests held by a widely held investment fund (whether such fund is a mutual fund, regulated investment company, pension or deferred compensation plan, or other investment fund), if—

''(A)(i) the fund is publicly traded; or

''(ii) the assets of the fund are widely diversified; and

''(B) the reporting individual neither exercises control over nor has the ability to exercise control over the financial interests held by the fund.

''(9)(A) A reporting individual described in subsection (a), (b), or (c) of section 301 shall not be required to report the assets or sources of income of any publicly available investment fund if—

''(i) the identity of such assets and sources of income is not provided to investors;

''(ii) the reporting individual neither exercises control over nor has the ability to exercise control over the fund; and

''(iii) the reporting individual—

''(I) does not otherwise have knowledge of the individual assets of the fund and provides written certification by the fund manager that individual assets of the fund are not disclosed to investors; or

''(II) has executed a written ethics agreement that contains a commitment to divest the interest in the investment fund no later than 90 days after the date of the agreement. The reporting individual shall file the written certification by the fund manager as an attachment to the report filed pursuant to section 301.

''(B) The provisions of subparagraph (A) shall apply to an individual described in subsection (d) or (e) of section 301 if—

''(i) the interest in the trust or investment fund is acquired, during the period to be covered by the report, involuntarily (such as through inheritance) or as a legal incident of marriage; and

''(ii) for an individual described in subsection (d), the individual executes a written ethics agreement containing a commitment to divest the interest no later than 90 days after the date the report is due.

Failure to divest within the time specified or within an extension period granted by the supervising ethics office for good cause shown shall result in an immediate requirement to report as specified in paragraph (1).

''(g) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

''(h) A report filed pursuant to subsection (a), (c), or (d) of section 301 need not contain the information described in subparagraphs (A), (B), and (C) of subsection (a)(2) with respect to gifts and reimbursements received in a period when the reporting individual was not an officer or employee of the Federal Government.

''(i) A reporting individual shall not be required under this title to report—

''(1) financial interests in or income derived from—

''(A) any retirement system under title 5, United States Code (including the Thrift Savings Plan under subchapter III of chapter 84 of such title); or

''(B) any other retirement system maintained by the United States for officers or employees of the United States, including the President, or for members of the uniformed services; or

''(2) benefits received under the Social Security Act (42 U.S.C. 301 et seq.).

"SEC. 303. FILING OF REPORTS.

''(a) Except as otherwise provided in this section, the reports required under this title shall be filed by the reporting individual with the designated agency ethics official at the agency by which he is employed (or in the case of an individual described in section 301(d), was employed) or in which he will serve. The date any report is received (and the date of receipt of any supplemental report) shall be noted on such report by such official.

''(b) Reports required of members of the uniformed services shall be filed with the Secretary concerned.

''(c) The Office of Government Ethics shall develop and make available forms for reporting the information required by this title.

''SEC. 304. FAILURE TO FILE OR FILING FALSE REPORTS.

''(a) The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 302. The court in which such action is brought may assess against such individual a civil penalty in any amount, not to exceed $11,000, order the individual to file or report any information required by section 302, or both.

''(b) The head of each agency, each Secretary concerned, or the Director of the Office of Government Ethics, as the case may be, shall refer to the Attorney General the name of any individual which such official has reasonable cause to believe has willfully failed to file a report or has willfully falsified or willfully failed to file information required to be reported.

''(c) The President, the Vice President, the Secretary concerned, or the head of each agency may take any appropriate personnel or other action in accordance with applicable law or regulation against any individual failing to file a report or falsifying or failing to report information required to be reported.

''(d)(1) Any individual who files a report required to be filed under this title more than 30 days after the later of—

''(A) the date such report is required to be filed pursuant to the provisions of this title and the rules and regulations promulgated thereunder; or

''(B) if a filing extension is granted to such individual under section 301(g), the last day of the filing extension period, shall, at the direction of and pursuant to regulations issued by the Office of Government Ethics, pay a filing fee of $500. All such fees shall be deposited in the miscellaneous receipts of the Treasury. The authority under this paragraph to direct the payment of a filing fee may be delegated by the Office of Government Ethics to other agencies in the executive branch.

''(2) The Office of Government Ethics may waive the filing fee under this subsection for good cause shown.

''SEC. 305. CUSTODY OF AND PUBLIC ACCESS TO REPORTS.

''Any report filed with or transmitted to an agency or the Office of Government Ethics pursuant to this title shall be made available to the public (in the same manner as described in section 105) and retained by such agency or Office, as the case may be, for a period of 6 years after receipt of the report. After such 6-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 301(b) and was not subsequently confirmed by the Senate, such reports shall be destroyed 1 year after the individual is no longer under consideration by the Senate, unless needed in an ongoing investigation.

''SEC. 306. REVIEW OF REPORTS.

''(a) Each designated agency ethics official or Secretary concerned shall make provisions to ensure that each report filed with him under this title is reviewed within 60 days after the date of such filing, except that the Director of the Office of Government Ethics shall review only those reports required to be transmitted to him under this title within 60 days after the date of transmittal.

''(b)(1) If after reviewing any report under subsection (a), the Director of the Office of Government Ethics, the Secretary concerned, or the designated agency ethics official, as the case may be, is of the opinion that on the basis of information contained in such report the individual submitting such report is in compliance with applicable laws and regulations, he shall state such opinion on the report, and shall sign such report.

''(2) If the Director of the Office of Government Ethics, the Secretary concerned, or the designated agency ethics official after reviewing any report under subsection (a)—

''(A) believes additional information is required to be submitted to complete the report or to perform a conflict of interest analysis, he shall notify the individual submitting such report what additional information is required and the time by which it must be submitted, or

''(B) is of the opinion, on the basis of information submitted, that the individual is not in compliance with applicable laws and regulations, he shall notify the individual, afford a reasonable opportunity for a written or oral response, and after consideration of such response, reach an opinion as to whether or not, on the basis of information submitted, the individual is in compliance with such laws and regulations.

''(3) If the Director of the Office of Government Ethics, the Secretary concerned, or the designated agency ethics official reaches an opinion under paragraph (2)(B) that an individual is not in compliance with applicable laws and regulations, the official shall notify the individual of that opinion and, after an opportunity for personal consultation (if practicable), determine and notify the individual of which steps, if any, would in the opinion of such official be appropriate for assuring compliance with such laws and regulations and the date by which such steps should be taken. Such steps may include, as appropriate—

''(A) divestiture,

''(B) restitution,

''(C) the establishment of a blind trust,

''(D) request for an exemption under section 208(b) of title 18, United States Code, or

''(E) voluntary request for transfer, reassignment, limitation of duties, or resignation.

The use of any such steps shall be in accordance with such rules or regulations as the Office of Government Ethics may prescribe.

''(4) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by an individual in a position in the executive branch, appointment to which requires the advice and consent of the Senate, the matter shall be referred to the President for appropriate action.

''(5) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by a member of the Foreign Service or the uniformed services, the Secretary concerned shall take appropriate action.

''(6) If steps for assuring compliance with applicable laws and regulations are not taken by the date set under paragraph (3) by any other officer or employee, the matter shall be referred to the head of the appropriate agency for appropriate action.

''(7) The Office of Government Ethics may render advisory opinions interpreting this title. Notwithstanding any other provision of law, the individual to whom a public advisory opinion is rendered in accordance with this paragraph, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any penalty or sanction provided by this title.

''SEC. 307. CONFIDENTIAL REPORTS AND OTHER ADDITIONAL REQUIREMENTS.

''(a)(1) The Office of Government Ethics may require officers and employees of the executive branch (including special Government employees as defined in section 202 of title 18, United States Code) to file confidential financial disclosure reports, in such form as it may prescribe. The information required to be reported under this subsection by the officers and employees of any department or agency listed in section 301(e) shall be set forth in rules or regulations prescribed by the Office of Government Ethics, and may be less extensive than otherwise required by this title, or more extensive when determined by the Office of Government Ethics to be necessary and appropriate in light of sections 202 through 209 of title 18, United States Code, regulations promulgated thereunder, or the authorized activities of such officers or employees. Any individual required to file a report pursuant to section 301 shall not be required to file a confidential report pursuant to this subsection, except with respect to information which is more extensive than information otherwise required by this title. Section 305 shall not apply with respect to any such report.

''(2) Any information required to be provided by an individual under this subsection shall be confidential and shall not be disclosed to the public.

''(3) Nothing in this subsection exempts any individual otherwise covered by the requirement to file a public financial disclosure report under this title from such requirement.

''(b) The provisions of this title requiring the reporting of information shall supersede any general requirement under any other provision of law or regulation with respect to the reporting of information required for purposes of preventing conflicts of interest or apparent conflicts of interest. Such provisions of this title shall not supersede the requirements of section 7342 of title 5, United States Code.

''(c) Nothing in this Act requiring reporting of information shall be deemed to authorize the receipt of income, gifts, or reimbursements; the holding of assets, liabilities, or positions; or the participation in transactions that are prohibited by law, Executive order, rule, or regulation.

''SEC. 308. AUTHORITY OF COMPTROLLER GENERAL.

''The Comptroller General shall have access to financial disclosure reports filed under this title for the purposes of carrying out his statutory responsibilities.

''SEC. 309. DEFINITIONS.

''For the purposes of this title—

''(1) the term 'dependent child' means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

''(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

''(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1986 (26 U.S.C. 152);

''(2) the term 'designated agency ethics official' means an officer or employee who is designated to administer the provisions of this title within an agency;

''(3) the term 'executive branch' includes—

''(A) each Executive agency (as defined in section 105 of title 5, United States Code), other than the General Accounting Office; and

''(B) any other entity or administrative unit in the executive branch;

''(4) the term 'gift' means a payment, advance, forbearance, rendering, or deposit of

money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

''(A) bequests and other forms of inheritance;

''(B) suitable mementos of a function honoring the reporting individual;

''(C) food, lodging, transportation, and entertainment provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

''(D) food and beverages which are not consumed in connection with a gift of overnight lodging;

''(E) communications to the offices of a reporting individual, including subscriptions to newspapers and periodicals; or

''(F) items that are accepted pursuant to or are required to be reported by the reporting individual under section 7342 of title 5, United States Code.

''(5) the term 'honorarium' means a payment of money or anything of value for an appearance, speech, or article;

''(6) the term 'income' means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; gross income derived from business (and net income if the individual elects to include it); gains derived from dealings in property; interest; rents; royalties; prizes and awards; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

''(7) the term 'personal hospitality of any individual' means hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

''(8) the term 'reimbursement' means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

''(A) provided by the United States Government, the District of Columbia, or a State or local government or political subdivision thereof;

''(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

''(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

''(9) the term 'relative' means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiancé or fiancée of the reporting individual;

''(10) the term 'Secretary concerned' has the meaning set forth in section 101(a)(9) of title 10, United States Code; and

''(11) the term 'value' means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual.

''SEC. 310. NOTICE OF ACTIONS TAKEN TO COMPLY WITH ETHICS AGREEMENTS.

''(a) In any case in which an individual agrees with that individual's designated agency ethics official, the Office of Government Ethics, or a Senate confirmation committee, to take any action to comply with this Act or any other law or regulation governing conflicts of interest of, or establishing standards of conduct applicable with respect to, officers or employees of the Government, that individual shall notify in writing the designated agency ethics official, the Office of Government Ethics, or the appropriate committee of the Senate, as the case may be, of any action taken by the individual pursuant to that agreement. Such notification shall be made not later than the date specified in the agreement by which action by the individual must be taken, or not later than 3 months after the date of the agreement, if no date for action is so specified. If all actions agreed to have not been completed by the date of this notification, such notification shall continue on a monthly basis thereafter until the individual has met the terms of the agreement.

''(b) If an agreement described in subsection (a) requires that the individual recuse himself or herself from particular categories of agency or other official action, the individual shall reduce to writing those subjects regarding which the recusal agreement will apply and the process by which it will be determined whether the individual must recuse himself or herself in a specific instance. An individual shall be considered to have complied with the requirements of subsection (a) with respect to such recusal agreement if such individual files a copy of the document setting forth the information described in the preceding sentence with such individual's designated agency ethics official or the Office of Government Ethics not later than the date specified in the agreement by which action by the individual must be taken, or not later than 3 months after the date of the agreement, if no date for action is so specified.

''SEC. 311. ADMINISTRATION OF PROVISIONS.

''The Office of Government Ethics shall issue regulations, develop forms, and provide such guidance as is necessary to implement and interpret this title.''.

(b) EXEMPTION FROM PUBLIC ACCESS TO FINANCIAL DISCLOSURES.—Section 105(a)(1) of such Act is amended by inserting ''the Office of the National Intelligence Director,'' before ''the Central Intelligence Agency''.

(c) CONFORMING AMENDMENT.—Section 101(f) of such Act is amended—

(1) in paragraph (12), by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

''but do not include any officer or employee of any department or agency listed in section 301(e).''.

SEC. 5044. REDUCTION OF POSITIONS REQUIRING APPOINTMENT WITH SENATE CONFIRMATION.

(a) DEFINITION.—In this section, the term ''agency'' means an Executive agency, as defined under section 105 of title 5, United States Code.

(b) REDUCTION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each agency shall submit a Presidential appointment reduction plan to—

(A) the President;

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

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

(2) CONTENT.—The plan under this subsection shall provide for the reduction of—

(A) the number of positions within that agency that require an appointment by the President, by and with the advice and consent of the Senate; and

(B) the number of levels of such positions within that agency.

SEC. 5045. EFFECTIVE DATES.

(a) SECTION 5043.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by section 5043 shall take effect on January 1 of the year following the year in which occurs the date of enactment of this Act.

(2) LATER DATE.—If this Act is enacted on or after July 1 of a year, the amendments made by section 301 shall take effect on July 1 of the following year.

(b) SECTION 5044.—Section 5044 shall take effect on the date of enactment of this Act.

CHAPTER 2—FEDERAL BUREAU OF INVESTIGATION REVITALIZATION

SEC. 5051. MANDATORY SEPARATION AGE.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(b) of title 5, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(b) of title 5, United States Code, is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)''; and

(2) by adding at the end the following:

''(2) In the case of employees of the Federal Bureau of Investigation, the second sentence of paragraph (1) shall be applied by substituting '65 years of age' for '60 years of age'. The authority to grant exemptions in accordance with the preceding sentence shall cease to be available after December 31, 2009.''.

SEC. 5052. RETENTION AND RELOCATION BONUSES.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''§ 5759. Retention and relocation bonuses for the Federal Bureau of Investigation

''(a) AUTHORITY.—The Director of the Federal Bureau of Investigation, after consultation with the Director of the Office of Personnel Management, may pay, on a case-by-case basis, a bonus under this section to an employee of the Bureau if—

''(1)(A) the unusually high or unique qualifications of the employee or a special need of the Bureau for the employee's services makes it essential to retain the employee; and

''(B) the Director of the Federal Bureau of Investigation determines that, in the absence of such a bonus, the employee would be likely to leave—

''(i) the Federal service; or

''(ii) for a different position in the Federal service; or

''(2) the individual is transferred to a different geographic area with a higher cost of living (as determined by the Director of the Federal Bureau of Investigation).

''(b) SERVICE AGREEMENT.—Payment of a bonus under this section is contingent upon the employee entering into a written service agreement with the Bureau to complete a period of service, not to exceed 4 years, with the Bureau. Such agreement shall include—

''(1) the period of service the individual shall be required to complete in return for the bonus; and

''(2) the conditions under which the agreement may be terminated before the agreed-upon service period has been completed, and the effect of the termination.

''(c) LIMITATIONS ON AUTHORITY.—A bonus paid under this section—

''(1) shall not exceed 50 percent of the annual rate of basic pay of the employee as of the beginning of the period of service (established under subsection (b)) multiplied by the number of years (including a fractional part of a year) in the required period of service of the employee involved, but shall in no event exceed 100 percent of the annual rate of basic pay of the employee as of the beginning of the service period; and

''(2) may not be paid to an individual who is appointed to or who holds a position—

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

''(B) in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)).

''(d) IMPACT ON BASIC PAY.—A retention bonus is not part of the basic pay of an employee for any purpose.

''(e) TERMINATION OF AUTHORITY.—The authority to grant bonuses under this section shall cease to be available after December 31, 2009.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

''5759. Retention and relocation bonuses for the Federal Bureau of Investigation.''.

SEC. 5053. FEDERAL BUREAU OF INVESTIGATION RESERVE SERVICE.

(a) IN GENERAL.—Chapter 35 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

''§ 3598. Federal Bureau of Investigation Reserve Service

''(a) ESTABLISHMENT.—The Director of the Federal Bureau of Investigation may provide for the establishment and training of a Federal Bureau of Investigation Reserve Service (hereinafter in this section referred to as the 'FBI Reserve Service') for temporary reemployment of employees in the Bureau during periods of emergency, as determined by the Director.

''(b) MEMBERSHIP.—Membership in the FBI Reserve Service shall be limited to individuals who previously served as full-time employees of the Bureau.

''(c) ANNUITANTS.—If an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual's service becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby. An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84.

''(d) NO IMPACT ON BUREAU PERSONNEL CEILING.—FBI Reserve Service members reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the Bureau.

''(e) EXPENSES.—The Director may provide members of the FBI Reserve Service transportation and per diem in lieu of subsistence, in accordance with applicable provisions of this title, for the purpose of participating in any training that relates to service as a member of the FBI Reserve Service.

''(f) LIMITATION ON MEMBERSHIP.—Membership of the FBI Reserve Service is not to exceed 500 members at any given time.

''(g) LIMITATION ON DURATION OF SERVICE.—An individual may not be reemployed under this section for more than 180 days in connection with any particular emergency unless, in the judgment of the Director, the public interest so requires.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 35 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII--RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT THE FEDERAL BUREAU OF INVESTIGATION

''3598. Federal Bureau of Investigation Reserve Service.''.

SEC. 5054. CRITICAL POSITIONS IN THE FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE DIRECTORATE.

Section 5377(a)(2) of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) a position at the Federal Bureau of Investigation, the primary duties and responsibilities of which relate to intelligence functions (as determined by the Director of the Federal Bureau of Investigation).''.

CHAPTER 3—REPORTING REQUIREMENT

SEC. 5061. REPORTING REQUIREMENT.

The President shall, within 6 months after the date of enactment of this Act, submit to Congress a report that—

(1) evaluates the hiring policies of the Federal Government with respect to its foreign language needs and the war on terrorism, including an analysis of the personnel requirements at the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Homeland Security, the Department of State, the Department of Defense, and all other Federal agencies the President identifies as having responsibilities in the war on terrorism;

(2) describes with respect to each agency identified under paragraph (1) the Federal Government's current workforce capabilities with respect to its foreign language needs and the war on terrorism;

(3) summarizes for each agency identified under paragraph (1) any shortfall in the Federal Government's workforce capabilities relative to its foreign language needs with respect to the war on terrorism; and

(4) provides a specific plan to eliminate any shortfalls identified under paragraph (3) and a cost estimate, by agency, for eliminating those shortfalls.

Subtitle F—Security Clearance Modernization

SEC. 5071. DEFINITIONS.

In this subtitle:

(1) The term ''Director'' means the National Intelligence Director.

(2) The term ''agency'' means—

(A) an executive agency, as defined in section 105 of title 5, United States Code;

(B) a military department, as defined in section 102 of title 5, United States Code; and

(C) elements of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) The term ''authorized investigative agency'' means an agency authorized by law, regulation or direction of the Director to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term ''authorized adjudicative agency'' means an agency authorized by law, regulation or direction of the Director to determine eligibility for access to classified information in accordance with Executive Order 12968.

(5) The term ''highly sensitive program'' means—

(A) a government program designated as a Special Access Program (as defined by section 4.1(h) of Executive Order 12958); and

(B) a government program that applies restrictions required for—

(i) Restricted Data (as defined by section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)); or

(ii) other information commonly referred to as ''Sensitive Compartmented Information''.

(6) The term ''current investigation file'' means, with respect to a security clearance, a file on an investigation or adjudication that has been conducted during—

(A) the 5-year period beginning on the date the security clearance was granted, in the case of a Top Secret Clearance, or the date access was granted to a highly sensitive program;

(B) the 10-year period beginning on the date the security clearance was granted in the case of a Secret Clearance; and

(C) the 15-year period beginning on the date the security clearance was granted in the case of a Confidential Clearance.

(7) The term ''personnel security investigation'' means any investigation required for the purpose of determining the eligibility of any military, civilian, or government contractor personnel to access classified information.

(8) The term ''periodic reinvestigations'' means—

(A) investigations conducted for the purpose of updating a previously completed background investigation—

(i) every five years in the case of a Top Secret Clearance or access to a highly sensitive program;

(ii) every 10 years in the case of a Secret Clearance; and

(iii) every 15 years in the case of a Confidential Clearance;

(B) on-going investigations to identify personnel security risks as they develop, pursuant to section 5075(c).

(9) The term ''appropriate committees of Congress'' means—

(A) the Permanent Select Committee on Intelligence and the Committees on Armed Services, Judiciary, and Government Reform of the House of Representatives; and

(B) the Select Committee on Intelligence and the Committees on Armed Services, Judiciary, and Governmental Affairs of the Senate.

SEC. 5072. SECURITY CLEARANCE AND INVESTIGATIVE PROGRAMS OVERSIGHT AND ADMINISTRATION.

The Deputy National Intelligence Director for Community Management and Resources shall have responsibility for the following:

(1) Directing day-to-day oversight of investigations and adjudications for personnel security clearances and highly sensitive programs throughout the Federal Government.

(2) Developing and implementing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of security clearances and determinations for access to highly sensitive programs, including the standardization of security questionnaires, financial disclosure requirements for security clearance applicants, and polygraph policies and procedures.

(3) Serving as the final authority to designate an authorized investigative agency or authorized adjudicative agency pursuant to section 5074(d).

(4) Ensuring reciprocal recognition of access to classified information among agencies, including acting as the final authority to arbitrate and resolve disputes involving the reciprocity of security clearances and access to highly sensitive programs.

(5) Ensuring, to the maximum extent practicable, that sufficient resources are available in each agency to achieve clearance and investigative program goals.

(6) Reviewing and coordinating the development of tools and techniques for enhancing the conduct of investigations and granting of clearances.

SEC. 5073. RECIPROCITY OF SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

(a) REQUIREMENT FOR RECIPROCITY.—(1) All security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency shall be accepted by all agencies.

(2) All security clearance background investigations initiated by an authorized investigative agency shall be transferable to any other authorized investigative agency.

(b) PROHIBITION ON ESTABLISHING ADDITIONAL.—(1) An authorized investigative agency or authorized adjudicative agency may not establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination) that exceed requirements specified in Executive Orders establishing security requirements for access to classified information.

(2) Notwithstanding the paragraph (1), the Director may establish additional requirements as needed for national security purposes.

(c) PROHIBITION ON DUPLICATIVE INVESTIGATIONS.—An authorized investigative agency or authorized adjudicative agency may not conduct an investigation for purposes of determining whether to grant a security clearance to an individual where a current investigation or clearance of equal level already exists or has been granted by another authorized adjudicative agency.

SEC. 5074. ESTABLISHMENT OF NATIONAL DATABASE.

(a) ESTABLISHMENT.—Not later than 12 months after the date of the enactment of this Act, the Director of the Office of Personnel Management, in cooperation with the Director, shall establish, and begin operating and maintaining, an integrated, secure, national database into which appropriate data relevant to the granting, denial, or revocation of a security clearance or access pertaining to military, civilian, or government contractor personnel shall be entered from all authorized investigative and adjudicative agencies.

(b) INTEGRATION.—The national database established under subsection (a) shall function to integrate information from existing Federal clearance tracking systems from other authorized investigative and adjudicative agencies into a single consolidated database.

(c) REQUIREMENT TO CHECK DATABASE.—Each authorized investigative or adjudicative agency shall check the national database established under subsection (a) to determine whether an individual the agency has identified as requiring a security clearance has already been granted or denied a security clearance, or has had a security clearance revoked, by any other authorized investigative or adjudicative agency.

(d) CERTIFICATION OF AUTHORIZED INVESTIGATIVE AGENCIES OR AUTHORIZED ADJUDICATIVE AGENCIES.—The Director shall evaluate the extent to which an agency is submitting information to, and requesting information from, the national database established under subsection (a) as part of a determination of whether to certify the agency as an authorized investigative agency or authorized adjudicative agency.

(e) EXCLUSION OF CERTAIN INTELLIGENCE OPERATIVES.—The Director may authorize an agency to withhold information about certain individuals from the database established under subsection (a) if the Director determines it is necessary for national security purposes.

(f) COMPLIANCE.—The Director shall establish a review procedure by which agencies can seek review of actions required under section 5073.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year for the implementation, maintenance and operation of the database established in subsection (a).

SEC. 5075. USE OF AVAILABLE TECHNOLOGY IN CLEARANCE INVESTIGATIONS.

(a) INVESTIGATIONS.—Not later than 12 months after the date of the enactment of this Act, each authorized investigative agency that conducts personnel security clearance investigations shall use, to the maximum extent practicable, available information technology and databases to expedite investigative processes and to verify standard information submitted as part of an application for a security clearance.

(b) INTERIM CLEARANCE.—If the application of an applicant for an interim clearance has been processed using the technology under subsection (a), the interim clearances for the applicant at the secret, top secret, and special access program levels may be granted before the completion of the appropriate investigation. Any request to process an interim clearance shall be given priority, and the authority granting the interim clearance shall ensure that final adjudication on the application is made within 90 days after the initial clearance is granted.

(c) ON-GOING MONITORING OF INDIVIDUALS WITH SECURITY CLEARANCES.—(1) Authorized investigative agencies and authorized adjudicative agencies shall establish procedures for the regular, ongoing verification of personnel with security clearances in effect for continued access to classified information. Such procedures shall include the use of available technology to detect, on a regularly recurring basis, any issues of concern that may arise involving such personnel and such access.

(2) Such regularly recurring verification may be used as a basis for terminating a security clearance or access and shall be used in periodic reinvestigations to address emerging threats and adverse events associated with individuals with security clearances in effect to the maximum extent practicable.

(3) If the Director certifies that the national security of the United States is not harmed by the discontinuation of periodic reinvestigations, the regularly recurring verification under this section may replace periodic reinvestigations.

SEC. 5076. REDUCTION IN LENGTH OF PERSONNEL SECURITY CLEARANCE PROCESS.

(a) 60-DAY PERIOD FOR DETERMINATION ON CLEARANCES.—Each authorized adjudicative agency shall make a determination on an application for a personnel security clearance within 60 days after the date of receipt of the completed application for a security clearance by an authorized investigative agency. The 60-day period shall include—

(1) a period of not longer than 40 days to complete the investigative phase of the clearance review; and

(2) a period of not longer than 20 days to complete the adjudicative phase of the clearance review.

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—Subsection (a) shall take effect 5 years after the date of the enactment of this Act.

(2) PHASE-IN.—During the period beginning on a date not later than 2 years after the date of the enactment of this Act and ending on the date on which subsection (a) takes effect as specified in paragraph (1), each authorized adjudicative agency shall make a determination on an application for a personnel security clearance pursuant to this title within 120 days after the date of receipt of the application for a security clearance by an authorized investigative agency. The 120-day period shall include—

(A) a period of not longer than 90 days to complete the investigative phase of the clearance review; and

(B) a period of not longer than 30 days to complete the adjudicative phase of the clearance review.

SEC. 5077. SECURITY CLEARANCES FOR PRESIDENTIAL TRANSITION.

(a) CANDIDATES FOR NATIONAL SECURITY POSITIONS.—(1) The President-elect shall submit to the Director the names of candidates for high-level national security positions, for positions at the level of under secretary of executive departments and above, 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 Director shall be responsible for the expeditious completion of 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) SECURITY CLEARANCES FOR TRANSITION TEAM MEMBERS.—(1) In this section, the term ''major party'' has the meaning provided under section 9002(6) of the Internal Revenue Code of 1986.

(2) Each major party candidate for President, except a candidate who is the incumbent President, shall submit, before the date of the general presidential 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) 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 presidential election.

SEC. 5078. REPORTS.

Not later than February 15, 2006, and annually thereafter through 2016, the Director shall submit to the appropriate committees of Congress a report on the progress made during the preceding year toward meeting the requirements specified in this Act. The report shall include—

(1) the periods of time required by the authorized investigative agencies and authorized adjudicative agencies during the year covered by the report for conducting investigations, adjudicating cases, and granting clearances, from date of submission to ultimate disposition and notification to the subject and the subject's employer;

(2) a discussion of any impediments to the smooth and timely functioning of the implementation of this title; and

(3) such other information or recommendations as the Deputy Director deems appropriate.

Subtitle G—Emergency Financial Preparedness

CHAPTER 1—EMERGENCY PREPAREDNESS FOR FISCAL AUTHORITIES

SEC. 5081. DELEGATION AUTHORITY OF THE SECRETARY OF THE TREASURY.

Subsection (d) of section 306 of title 31, United States Code, is amended by inserting ''or employee'' after ''another officer''.

SEC. 5082. TREASURY SUPPORT FOR FINANCIAL SERVICES INDUSTRY PREPAREDNESS AND RESPONSE.

(a) CONGRESSIONAL FINDING.—The Congress finds that the Secretary of the Treasury—

(1) has successfully communicated and coordinated with the private-sector financial services industry about counter-terrorist financing activities and preparedness;

(2) has successfully reached out to State and local governments and regional public-private partnerships, such as ChicagoFIRST, that protect employees and critical infrastructure by enhancing communication and coordinating plans for disaster preparedness and business continuity; and

(3) has set an example for the Department of Homeland Security and other Federal agency partners, whose active participation is vital to the overall success of the activities described in paragraphs (1) and (2).

(b) FURTHER EDUCATION AND PREPARATION EFFORTS.—It is the sense of Congress that the Secretary of the Treasury, in consultation with the Secretary of Homeland Security and other Federal agency partners, should—

(1) furnish sufficient personnel and technological and financial resources to foster the formation of public-private sector coalitions, similar to ChicagoFIRST, that, in collaboration with the Department of Treasury, the Department of Homeland Security, and other Federal agency partners, would educate consumers and employees of the financial services industry about domestic counter-terrorist financing activities, including—

(A) how the public and private sector organizations involved in counter-terrorist financing activities can help to combat terrorism and simultaneously protect and preserve the lives and civil liberties of consumers and employees of the financial services industry; and

(B) how consumers and employees of the financial services industry can assist the public and private sector organizations involved in counter-terrorist financing activities; and

(2) submit annual reports to the Congress on Federal efforts, in conjunction with public-private sector coalitions, to educate consumers and employees of the financial services industry about domestic counter-terrorist financing activities.

CHAPTER 2—MARKET PREPAREDNESS

SEC. 5084. SHORT TITLE.

This chapter may be cited as the ''Emergency Securities Response Act of 2004''.

SEC. 5085. EXTENSION OF EMERGENCY ORDER AUTHORITY OF THE SECURITIES AND EXCHANGE COMMISSION.

(a) EXTENSION OF AUTHORITY.—Paragraph (2) of section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(k)(2)) is amended to read as follows:

''(2) EMERGENCY.—(A) The Commission, in an emergency, may by order summarily take such action to alter, supplement, suspend, or impose requirements or restrictions with respect to any matter or action subject to regulation by the Commission or a self-regulatory organization under the securities laws, as the Commission determines is necessary in the public interest and for the protection of investors—

''(i) to maintain or restore fair and orderly securities markets (other than markets in exempted securities);

''(ii) to ensure prompt, accurate, and safe clearance and settlement of transactions in securities (other than exempted securities); or

''(iii) to reduce, eliminate, or prevent the substantial disruption by the emergency of (I) securities markets (other than markets in exempted securities), investment companies, or any other significant portion or segment of such markets, or (II) the transmission or processing of securities transactions (other than transactions in exempted securities).

''(B) An order of the Commission under this paragraph (2) shall continue in effect for the period specified by the Commission, and may be extended. Except as provided in subparagraph (C), the Commission's action may not continue in effect for more than 30 business days, including extensions.

''(C) An order of the Commission under this paragraph (2) may be extended to continue in effect for more than 30 business days if, at the time of the extension, the Commission finds that the emergency still exists and determines that the continuation of the order beyond 30 business days is necessary in the public interest and for the protection of investors to attain an objective described in clause (i), (ii), or (iii) of subparagraph (A). In no event shall an order of the Commission under this paragraph (2) continue in effect for more than 90 calendar days.

''(D) If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission. In exercising its authority under this paragraph, the Commission shall not be required to comply with the provisions of section 553 of title 5, United States Code, or with the provisions of section 19(c) of this title.

''(E) Notwithstanding the exclusion of exempted securities (and markets therein) from the Commission's authority under subparagraph (A), the Commission may use such authority to take action to alter, supplement, suspend, or impose requirements or restrictions with respect to clearing agencies for transactions in such exempted securities. In taking any action under this subparagraph, the Commission shall consult with and consider the views of the Secretary of the Treasury.''.

(b) CONSULTATION; DEFINITION OF EMERGENCY.—Section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(k)) is further amended by striking paragraph (6) and inserting the following:

''(6) CONSULTATION.—Prior to taking any action described in paragraph (1)(B), the Commission shall consult with and consider the views of the Secretary of the Treasury, Board of Governors of the Federal Reserve System, and the Commodity Futures Trading Commission, unless such consultation is impracticable in light of the emergency.

''(7) DEFINITIONS.—

''(A) EMERGENCY.—For purposes of this subsection, the term 'emergency' means—

''(i) a major market disturbance characterized by or constituting—

''(I) sudden and excessive fluctuations of securities prices generally, or a substantial threat thereof, that threaten fair and orderly markets; or

''(II) a substantial disruption of the safe or efficient operation of the national system for clearance and settlement of transactions in securities, or a substantial threat thereof; or

''(ii) a major disturbance that substantially disrupts, or threatens to substantially disrupt—

''(I) the functioning of securities markets, investment companies, or any other significant portion or segment of the securities markets; or

''(II) the transmission or processing of securities transactions.

''(B) SECURITIES LAWS.—Notwithstanding section 3(a)(47), for purposes of this subsection, the term 'securities laws' does not include the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.).''.

SEC. 5086. PARALLEL AUTHORITY OF THE SECRETARY OF THE TREASURY WITH RESPECT TO GOVERNMENT SECURITIES.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78*o*–5) is amended by adding at the end the following new subsection:

''(h) EMERGENCY AUTHORITY.—The Secretary may by order take any action with respect to a matter or action subject to regulation by the Secretary under this section, or the rules of the Secretary thereunder, involving a government security or a market therein (or significant portion or segment of that market), that the Commission may take under section 12(k)(2) of this title with respect to transactions in securities (other than exempted securities) or a market therein (or significant portion or segment of that market).''.

SEC. 5087. JOINT REPORT ON IMPLEMENTATION OF FINANCIAL SYSTEM RESILIENCE RECOMMENDATIONS.

(a) REPORT REQUIRED.—Not later than April 30, 2006, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission shall prepare and submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a joint report on the efforts of the private sector to implement the Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine the efforts to date of covered private sector financial services firms to implement enhanced business continuity plans;

(2) examine the extent to which the implementation of business continuity plans has been done in a geographically dispersed manner, including an analysis of the extent to which such firms have located their main and backup facilities in separate electrical networks, in different watersheds, in independent transportation systems, and using separate telecommunications centers;

(3) examine the need to cover more financial services entities than those covered by the Interagency Paper; and

(4) recommend legislative and regulatory changes that will—

(A) expedite the effective implementation of the Interagency Paper by all covered financial services entities; and

(B) maximize the effective implementation of business continuity planning by all participants in the financial services industry.

(c) CONFIDENTIALITY.—Any information provided to the Federal Reserve Board, the Comptroller of the Currency, or the Securities and Exchange Commission for the purposes of the preparation and submission of the report required by subsection (a) shall be treated as privileged and confidential. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552.

(d) DEFINITION.—The Interagency Paper on Sound Practices to Strengthen the Resilience of the U.S. Financial System is the interagency paper prepared by the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Securities and Exchange Commission that was announced in the Federal Register on April 8, 2003.

SEC. 5088. PRIVATE SECTOR PREPAREDNESS.

It is the sense of the Congress that the insurance industry and credit-rating agencies, where relevant, should carefully consider a company's compliance with standards for private sector disaster and emergency preparedness in assessing insurability and creditworthiness, to ensure that private sector investment in disaster and emergency preparedness is appropriately encouraged.

SEC. 5089. REPORT ON PUBLIC/PRIVATE PARTNERSHIPS.

Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing—

(1) information on the efforts the Department of the Treasury has made to encourage the formation of public/private partnerships to protect critical financial infrastructure and the type of support that the Department has provided to these partnerships; and

(2) recommendations for administrative or legislative action regarding these partnerships as the Secretary may determine to be appropriate.

Subtitle H—Other Matters

Chapter 1—Privacy Matters

SEC. 5091. REQUIREMENT THAT AGENCY RULEMAKING TAKE INTO CONSIDERATION IMPACTS ON INDIVIDUAL PRIVACY.

(a) SHORT TITLE.—This section may be cited as the ''Federal Agency Protection of Privacy Act of 2004''.

(b) IN GENERAL.—Title 5, United States Code, is amended by adding after section 553 the following new section:

''§ 553a. Privacy impact assessment in rulemaking

''(a) INITIAL PRIVACY IMPACT ASSESSMENT.—

''(1) IN GENERAL.—Whenever an agency is required by section 553 of this title, or any other law, to publish a general notice of proposed rulemaking for a proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, and such rule or proposed rulemaking pertains to the collection, maintenance, use, or disclosure of personally identifiable information from 10 or more individuals, other than agencies, instrumentalities, or employees of the Federal government, the agency shall prepare and make available for public comment an initial privacy impact assessment that describes the impact of the proposed rule on the privacy of individuals. Such assessment or a summary thereof shall be signed by the senior agency official with primary responsibility for privacy policy and be published in the Federal Register at the time of the publication of a general notice of proposed rulemaking for the rule.

''(2) CONTENTS.—Each initial privacy impact assessment required under this subsection shall contain the following:

''(A) A description and analysis of the extent to which the proposed rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

''(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

''(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

''(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

''(iv) provides security for such information.

''(B) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant privacy impact of the proposed rule on individuals.

''(b) FINAL PRIVACY IMPACT ASSESSMENT.—

''(1) IN GENERAL.—Whenever an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States, and such rule or proposed rulemaking pertains to the collection, maintenance, use, or disclosure of personally identifiable information from 10 or more individuals, other than agencies, instrumentalities, or employees of the Federal government, the agency shall prepare a final privacy impact assessment, signed by the senior agency official with primary responsibility for privacy policy.

''(2) CONTENTS.—Each final privacy impact assessment required under this subsection shall contain the following:

''(A) A description and analysis of the extent to which the final rule will impact the privacy interests of individuals, including the extent to which such rule—

''(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

''(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

''(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

''(iv) provides security for such information.

''(B) A summary of any significant issues raised by the public comments in response to the initial privacy impact assessment, a summary of the analysis of the agency of such issues, and a statement of any changes made in such rule as a result of such issues.

''(C) A description of the steps the agency has taken to minimize the significant privacy impact on individuals consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the privacy interests of individuals was rejected.

''(3) AVAILABILITY TO PUBLIC.—The agency shall make copies of the final privacy impact assessment available to members of the public and shall publish in the Federal Register such assessment or a summary thereof.

''(c) WAIVERS.—

''(1) EMERGENCIES.—An agency head may waive or delay the completion of some or all of the requirements of subsections (a) and (b) to the same extent as the agency head may, under section 608, waive or delay the completion of some or all of the requirements of sections 603 and 604, respectively.

''(2) NATIONAL SECURITY.—An agency head may, for national security reasons, or to protect from disclosure classified information, confidential commercial information, or information the disclosure of which may adversely affect a law enforcement effort, waive or delay the completion of some or all of the following requirements:

''(A) The requirement of subsection (a)(1) to make an assessment available for public comment.

''(B) The requirement of subsection (a)(1) to have an assessment or summary thereof published in the Federal Register.

''(C) The requirements of subsection (b)(3).

''(d) PROCEDURES FOR GATHERING COMMENTS.—When any rule is promulgated which may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that individuals have been given an opportunity to participate in the rulemaking for the rule through techniques such as—

''(1) the inclusion in an advance notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals;

''(2) the publication of a general notice of proposed rulemaking in publications of national circulation likely to be obtained by individuals;

''(3) the direct notification of interested individuals;

''(4) the conduct of open conferences or public hearings concerning the rule for individuals, including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by individuals.

''(e) PERIODIC REVIEW OF RULES.—

''(1) IN GENERAL.—Each agency shall carry out a periodic review of the rules promulgated by the agency that have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals. Under such periodic review, the agency shall determine, for each such rule, whether the rule can be amended or rescinded in a manner that minimizes any such impact while remaining in accordance with applicable statutes. For each such determination, the agency shall consider the following factors:

''(A) The continued need for the rule.

''(B) The nature of complaints or comments received from the public concerning the rule.

''(C) The complexity of the rule.

''(D) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules.

''(E) The length of time since the rule was last reviewed under this subsection.

''(F) The degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since the rule was last reviewed under this subsection.

''(2) PLAN REQUIRED.—Each agency shall carry out the periodic review required by paragraph (1) in accordance with a plan published by such agency in the Federal Register. Each such plan shall provide for the review under this subsection of each rule promulgated by the agency not later than 10 years after the date on which such rule was published as the final rule and, thereafter, not later than 10 years after the date on which such rule was last reviewed under this subsection. The agency may amend such plan at any time by publishing the revision in the Federal Register.

''(3) ANNUAL PUBLICATION.—Each year, each agency shall publish in the Federal Register a list of the rules to be reviewed by such agency under this subsection during the following year. The list shall include a brief description of each such rule and the need for and legal basis of such rule and shall invite public comment upon the determination to

be made under this subsection with respect to such rule.

''(f) JUDICIAL REVIEW.—

''(1) IN GENERAL.—For any rule subject to this section, an individual who is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

''(2) JURISDICTION.—Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

''(3) LIMITATIONS.—

''(A) An individual may seek such review during the period beginning on the date of final agency action and ending 1 year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, such lesser period shall apply to an action for judicial review under this subsection.

''(B) In the case where an agency delays the issuance of a final privacy impact assessment pursuant to subsection (c), an action for judicial review under this section shall be filed not later than—

''(i) 1 year after the date the assessment is made available to the public; or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the assessment is made available to the public.

''(4) RELIEF.—In granting any relief in an action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7, including, but not limited to—

''(A) remanding the rule to the agency; and

''(B) deferring the enforcement of the rule against individuals, unless the court finds that continued enforcement of the rule is in the public interest.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this subsection.

''(6) RECORD OF AGENCY ACTION.—In an action for the judicial review of a rule, the privacy impact assessment for such rule, including an assessment prepared or corrected pursuant to paragraph (4), shall constitute part of the entire record of agency action in connection with such review.

''(7) EXCLUSIVITY.—Compliance or noncompliance by an agency with the provisions of this section shall be subject to judicial review only in accordance with this subsection.

''(8) SAVINGS CLAUSE.—Nothing in this subsection bars judicial review of any other impact statement or similar assessment required by any other law if judicial review of such statement or assessment is otherwise permitted by law.

''(g) DEFINITION.—For purposes of this section, the term 'personally identifiable information' means information that can be used to identify an individual, including such individual's name, address, telephone number, photograph, social security number or other identifying information. It includes information about such individual's medical or financial condition.''.

(c) PERIODIC REVIEW TRANSITION PROVISIONS.—

(1) INITIAL PLAN.—For each agency, the plan required by subsection (e) of section 553a of title 5, United States Code (as added by subsection (a)), shall be published not later than 180 days after the date of the enactment of this Act.

(2) In the case of a rule promulgated by an agency before the date of the enactment of this Act, such plan shall provide for the periodic review of such rule before the expiration of the 10-year period beginning on the date of the enactment of this Act. For any such rule, the head of the agency may provide for a 1-year extension of such period if the head of the agency, before the expiration of the period, certifies in a statement published in the Federal Register that reviewing such rule before the expiration of the period is not feasible. The head of the agency may provide for additional 1-year extensions of the period pursuant to the preceding sentence, but in no event may the period exceed 15 years.

(d) CONGRESSIONAL REVIEW.—Section 801(a)(1)(B) of title 5, United States Code, is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

''(iii) the agency's actions relevant to section 553a;''.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 553 the following new item:

553a. Privacy impact assessment in rulemaking.''.

SEC. 5092. CHIEF PRIVACY OFFICERS FOR AGENCIES WITH LAW ENFORCEMENT OR ANTI-TERRORISM FUNCTIONS.

(a) IN GENERAL.—There shall be within each Federal agency with law enforcement or anti-terrorism functions a chief privacy officer, who shall have primary responsibility within that agency for privacy policy. The agency chief privacy officer shall be designated by the head of the agency.

(b) RESPONSIBILITIES.—The responsibilities of each agency chief privacy officer shall include—

(1) ensuring that the use of technologies sustains, and does not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) ensuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the agency on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing and submitting a report to Congress on an annual basis on activities of the agency that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the agency protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentially, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the head of the agency and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

CHAPTER 2—MUTUAL AID AND LITIGATION MANAGEMENT

SEC. 5101. SHORT TITLE.

This chapter may be cited as the ''Mutual Aid and Litigation Management Authorization Act of 2004''.

SEC. 5102. MUTUAL AID AUTHORIZED.

(a) AUTHORIZATION TO ENTER INTO AGREEMENTS.—

(1) IN GENERAL.—The authorized representative of a State, locality, or the Federal Government may enter into an interstate mutual aid agreement or a mutual aid agreement with the Federal Government on behalf of the State, locality, or Federal Government under which, at the request of any party to the agreement, the other party to the agreement may—

(A) provide 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 occurring in the jurisdiction of the requesting party;

(B) provide other services to prepare for, mitigate, manage, respond to, or recover from an emergency or public service event occurring in the jurisdiction of the requesting party; and

(C) participate in training events occurring in the jurisdiction of the requesting party.

(b) LIABILITY AND ACTIONS AT LAW.—

(1) LIABILITY.—A responding party or its officers or employees shall be liable on account of any act or omission occurring while providing assistance or participating in a training event in the jurisdiction of a requesting party under a mutual aid agreement (including any act or omission arising from the maintenance or use of any equipment, facilities, or supplies in connection therewith), but only to the extent permitted under and in accordance with the laws and procedures of the State of the responding party and subject to any litigation management agreement entered into pursuant to section 5103.

(2) JURISDICTION OF COURTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and any litigation management agreement entered into pursuant to section 5103, any action brought against a responding party or its officers or employees on account of an act or omission described in subsection (b)(1) may be brought only under the laws and procedures of the State of the responding party and only in the State courts or United States District Courts located therein.

(B) UNITED STATES AS PARTY.—If the United States is the party against whom an action described in paragraph (1) is brought, the action may be brought only in a United States District Court.

(c) WORKERS' COMPENSATION AND DEATH BENEFITS.—

(1) PAYMENT OF BENEFITS.—A responding party shall provide for the payment of workers' compensation and death benefits with respect to officers or employees of the party who sustain injuries or are killed while providing assistance or participating in a training event under a mutual aid agreement in the same manner and on the same terms as if the injury or death were sustained within the jurisdiction of the responding party.

(2) LIABILITY FOR BENEFITS.—No party shall be liable under the law of any State other than its own (or, in the case of the Federal Government, under any law other than Federal law) for the payment of workers' compensation and death benefits with respect to injured officers or employees of the party who sustain injuries or are killed while providing assistance or participating in a training event under a mutual aid agreement.

(d) LICENSES AND PERMITS.—Whenever 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, such person will be deemed licensed, certified, or permitted by the requesting party to provide assistance involving such skill under a mutual aid agreement.

(e) SCOPE.—Except to the extent provided in this section, the rights and responsibilities of the parties to a mutual aid agreement shall be as described in the mutual aid agreement.

(f) EFFECT ON OTHER AGREEMENTS.—Nothing in this section precludes any party from entering into supplementary mutual aid agreements with fewer than all the parties, or with another, or affects any other agreements already in force among any parties to such an agreement, including the Emergency Management Assistance Compact (EMAC) under Public Law 104–321.

(g) FEDERAL GOVERNMENT.—Nothing in this section may be construed to limit any other expressed or implied authority of any entity of the Federal Government to enter into mutual aid agreements.

(h) CONSISTENCY WITH STATE LAW.—A party may enter into a mutual aid agreement under this chapter only insofar as the agreement is in accord with State law.

SEC. 5103. LITIGATION MANAGEMENT AGREEMENTS.

(a) AUTHORIZATION TO ENTER INTO LITIGATION MANAGEMENT AGREEMENTS.—The authorized representative of a State or locality may enter into a litigation management agreement on behalf of the State or locality. Such litigation management agreements may provide that all claims against such Emergency Response Providers arising out of, relating to, or resulting from an act of terrorism when Emergency Response Providers from more than 1 State have acted in defense against, in response to, or recovery from such act shall be governed by the following provisions.

(b) FEDERAL CAUSE OF ACTION.—

(1) IN GENERAL.—There shall exist a Federal cause of action for claims against Emergency Response Providers arising out of, relating to, or resulting from an act of terrorism when Emergency Response Providers from more than 1 State have acted in defense against, in response to, or recovery from such act. As determined by the parties to a litigation management agreement, the substantive law for decision in any such action shall be—

(A) derived from the law, including choice of law principles, of the State in which such acts of terrorism occurred, unless such law is inconsistent with or preempted by Federal law; or

(B) derived from the choice of law principles agreed to by the parties to a litigation management agreement as described in the litigation management agreement, unless such principles are inconsistent with or preempted by Federal law.

(2) JURISDICTION.—Such appropriate district court of the United States shall have original and exclusive jurisdiction over all actions for any claim against Emergency Response Providers for loss of property, personal injury, or death arising out of, relating to, or resulting from an act of terrorism when Emergency Response Providers from more than 1 State have acted in defense against, in response to, or recovery from an act of terrorism.

(3) SPECIAL RULES.—In an action brought for damages that is governed by a litigation management agreement, the following provisions apply:

(A) PUNITIVE DAMAGES.—No punitive damages intended to punish or deter, exemplary damages, or other damages not intended to compensate a plaintiff for actual losses may be awarded, nor shall any party be liable for interest prior to the judgment.

(B) COLLATERAL SOURCES.—Any recovery by a plaintiff in an action governed by a litigation management agreement shall be reduced by the amount of collateral source compensation, if any, that the plaintiff has received or is entitled to receive as a result of such acts of terrorism.

(4) EXCLUSIONS.—Nothing in this section shall in any way limit the ability of any person to seek any form of recovery from any person, government, or other entity that—

(A) attempts to commit, knowingly participates in, aids and abets, or commits any act of terrorism, or any criminal act related to or resulting from such act of terrorism; or

(B) participates in a conspiracy to commit any such act of terrorism or any such criminal act.

SEC. 5104. ADDITIONAL PROVISIONS.

(a) NO ABROGATION OF OTHER IMMUNITIES.—Nothing in this chapter shall abrogate any constitutional, statutory, or common law immunities that any party may have.

(b) EXCEPTION FOR CERTAIN FEDERAL LAW ENFORCEMENT ACTIVITIES.—A mutual aid agreement or a litigation management agreement may not apply to law enforcement security operations at special events of national significance under section 3056(e) of title 18, United States Code, or to other law enforcement functions of the United States Secret Service.

(c) SECRET SERVICE.—Section 3056 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(g) The Secret Service shall be maintained as a distinct entity within the Department of Homeland Security and shall not be merged with any other department function. All personnel and operational elements of the United States Secret Service shall report to the Director of the Secret Service, who shall report directly to the Secretary of Homeland Security without being required to report through any other official of the Department.''.

SEC. 5105. DEFINITIONS.

For purposes of this chapter, the following definitions apply:

(1) AUTHORIZED REPRESENTATIVE.—The term ''authorized representative'' means—

(A) in the case of the Federal Government, any individual designated by the President with respect to the executive branch, the Chief Justice of the United States with respect to the judicial branch, or the President pro Tempore of the Senate and Speaker of the House of Representatives with respect to the Congress, or their designees, to enter into a mutual aid agreement;

(B) in the case of a locality, the official designated by law to declare an emergency in and for the locality, or the official's designee;

(C) in the case of a State, the Governor or the Governor's designee.

(2) EMERGENCY.—The term ''emergency'' means a major disaster or emergency declared by the President, or a State of Emergency declared by an authorized representative of a State or locality, in response to which assistance may be provided under a mutual aid agreement.

(3) EMERGENCY RESPONSE PROVIDER.—The term ''Emergency Response Provider'' means any party to a litigation management agreement that meets the definition of ''emergency response providers'' under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act, except that the term does not include any Federal personnel, agency, or authority.

(4) EMPLOYEE.—The term ''employee'' means, with respect to a party to a mutual aid agreement, the employees of the party, including its agents or authorized volunteers, who are committed to provide assistance under the agreement.

(5) LITIGATION MANAGEMENT AGREEMENT.—The term ''litigation management agreement'' means an agreement entered into pursuant to the authority granted under section 5103.

(6) LOCALITY.—The term ''locality'' means a county, city, or town.

(7) MUTUAL AID AGREEMENT.—The term ''mutual aid agreement'' means an agreement entered into pursuant to the authority granted under section 5102.

(8) PUBLIC SERVICE EVENT.—The term ''public service event'' means any undeclared emergency, incident, or situation in preparation for or response to which assistance may be provided under a mutual aid agreement.

(9) REQUESTING PARTY.—The term ''requesting party'' means, with respect to a mutual aid agreement, the party in whose jurisdiction assistance is provided, or a training event is held, under the agreement.

(10) RESPONDING PARTY.—The term ''responding party'' means, with respect to a mutual aid agreement, the party providing assistance, or participating in a training event, under the agreement, but does not include the requesting party.

(11) STATE.—The term ''State'' includes each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any political subdivision of any such place.

(12) TERRORISM.—The term ''terrorism'' means any activity that meets the definition of ''terrorism'' under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(13) TRAINING EVENT.—The term ''training event'' means an emergency and public service event-related exercise, test, or other activity using equipment and personnel to prepare for or simulate performance of any aspect of the giving or receiving of assistance during emergencies or public service events, but does not include an actual emergency or public service event.

Chapter 3—Miscellaneous Matters

SEC. 5131. ENHANCEMENT OF PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY.

(a) COORDINATION OF PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS PROGRAMS.—

(1) PROGRAM.—The Secretary of Homeland Security, in consultation with the Secretary of Commerce and the Chairman of the Federal Communications Commission, shall establish a program to enhance public safety interoperable communications at all levels of government. Such program shall—

(A) establish a comprehensive national approach to achieving public safety interoperable communications;

(B) coordinate with other Federal agencies in carrying out subparagraph (A);

(C) develop, in consultation with other appropriate Federal agencies and State and local authorities, appropriate minimum capabilities for communications interoperability for Federal, State, and local public safety agencies;

(D) accelerate, in consultation with other Federal agencies, including the National Institute of Standards and Technology, the private sector, and nationally recognized standards organizations as appropriate, the development of national voluntary consensus standards for public safety interoperable communications;

(E) encourage the development and implementation of flexible and open architectures incorporating, where possible, technologies that currently are commercially available, with appropriate levels of security, for short-term and long-term solutions to public safety communications interoperability;

(F) assist other Federal agencies in identifying priorities for research, development, and testing and evaluation with regard to public safety interoperable communications;

(G) identify priorities within the Department of Homeland Security for research, development, and testing and evaluation with regard to public safety interoperable communications;

(H) establish coordinated guidance for Federal grant programs for public safety interoperable communications;

(I) provide technical assistance to State and local public safety agencies regarding planning, acquisition strategies, interoperability architectures, training, and other functions necessary to achieve public safety communications interoperability;

(J) develop and disseminate best practices to improve public safety communications interoperability; and

(K) develop appropriate performance measures and milestones to systematically measure the Nation's progress towards achieving public safety communications interoperability, including the development of national voluntary consensus standards.

(2) OFFICE FOR INTEROPERABILITY AND COMPATIBILITY.—

(A) ESTABLISHMENT OF OFFICE.—The Secretary may establish an Office for Interoperability and Compatibility to carry out this subsection.

(B) FUNCTIONS.—If the Secretary establishes such office, the Secretary shall, through such office—

(i) carry out Department of Homeland Security responsibilities and authorities relating to the SAFECOM Program; and

(ii) carry out subsection (c) (relating to rapid interoperable communications capabilities for high risk jurisdictions).

(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to advisory groups established and maintained by the Secretary for purposes of carrying out this subsection.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall report to the Congress on Department of Homeland Security plans for accelerating the development of national voluntary consensus standards for public safety interoperable communications, a schedule of milestones for such development, and achievements of such development.

(c) RAPID INTEROPERABLE COMMUNICATIONS CAPABILITIES FOR HIGH RISK JURISDICTIONS.—The Secretary, in consultation with other relevant Federal, State, and local government agencies, shall provide technical, training, and other assistance as appropriate to support the rapid establishment of consistent, secure, and effective interoperable communications capabilities for emergency response providers in jurisdictions determined by the Secretary to be at consistently high levels of risk of terrorist attack.

(d) DEFINITIONS.—In this section:

(1) INTEROPERABLE COMMUNICATIONS.—The term ''interoperable communications'' means the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, through a dedicated public safety network utilizing information technology systems and radio communications systems, and to exchange voice, data, or video with one another on demand, in real time, as necessary.

(2) EMERGENCY RESPONSE PROVIDERS.—The term ''emergency response providers'' has the meaning that term has under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this Act.

(e) CLARIFICATION OF RESPONSIBILITY FOR INTEROPERABLE COMMUNICATIONS.—

(1) UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.—Section 502(7) of the Homeland Security Act of 2002 (6 U.S.C. 312(7)) is amended—

(A) by striking ''developing comprehensive programs for developing interoperative communications technology, and''; and

(B) by striking ''such'' and inserting ''interoperable communications''.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430(c) of such Act (6 U.S.C. 238(c)) is amended—

(A) in paragraph (7) by striking ''and'' after the semicolon;

(B) in paragraph (8) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(9) helping to ensure the acquisition of interoperable communication technology by State and local governments and emergency response providers.''.

SEC. 5132. SENSE OF CONGRESS REGARDING THE INCIDENT COMMAND SYSTEM.

(a) FINDINGS.—The Congress finds that—

(1) in Homeland Security Presidential Directive–5, the President directed the Secretary of Homeland Security to develop an incident command system to be known as the National Incident Management System (NIMS), and directed all Federal agencies to make the adoption of NIMS a condition for the receipt of Federal emergency preparedness assistance by States, territories, tribes, and local governments beginning in fiscal year 2005;

(2) in March 2004, the Secretary of Homeland Security established NIMS, which provides a unified structural framework for Federal, State, territorial, tribal, and local governments to ensure coordination of command, operations, planning, logistics, finance, and administration during emergencies involving multiple jurisdictions or agencies; and

(3) the National Commission on Terrorist Attacks Upon the United States strongly supports the adoption of NIMS by emergency response agencies nationwide, and the decision by the President to condition Federal emergency preparedness assistance upon the adoption of NIMS.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that all levels of government should adopt NIMS, and that the regular use of and training in NIMS by States, territories, tribes, and local governments should be a condition for receiving Federal preparedness assistance.

SEC. 5133. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PLANS AND STRATEGIES.

It is the sense of Congress that 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.

The CHAIRMAN pro tempore. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 108–751. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). It is now in order to consider Amendment No. 1 printed in House report 108–751.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. MENENDEZ:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Intelligence Reform Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—NATIONAL INTELLIGENCE AUTHORITY

Subtitle A—National Intelligence Authority

Sec. 101. National Intelligence Authority.
Sec. 102. National Intelligence Director.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

Sec. 111. Provision of national intelligence.
Sec. 112. Responsibilities of National Intelligence Director.
Sec. 113. Authorities of National Intelligence Director.
Sec. 114. Enhanced personnel management.
Sec. 115. Security clearances.
Sec. 116. National Intelligence Reserve Corps.
Sec. 117. Appointment and termination of certain officials responsible for intelligence-related activities.
Sec. 118. Reserve for Contingencies of the National Intelligence Director.

Subtitle C—Office of the National Intelligence Director

Sec. 121. Office of the National Intelligence Director.
Sec. 122. Deputy national intelligence directors.
Sec. 123. National Intelligence Council.
Sec. 124. General Counsel of the National Intelligence Authority.
Sec. 125. Intelligence Comptroller.
Sec. 126. Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.
Sec. 127. Privacy Officer of the National Intelligence Authority.

Sec. 128. Chief Information Officer of the National Intelligence Authority.
Sec. 129. Chief Human Capital Officer of the National Intelligence Authority.
Sec. 130. Chief Financial Officer of the National Intelligence Authority.
Sec. 131. National Counterintelligence Executive.

Subtitle D—Additional Elements of National Intelligence Authority

Sec. 141. Inspector General of the National Intelligence Authority.
Sec. 142. Ombudsman of the National Intelligence Authority.
Sec. 143. National Counterterrorism Center.
Sec. 144. National intelligence centers.

Subtitle E—Education and Training of Intelligence Community Personnel

Sec. 151. Framework for cross-disciplinary education and training.
Sec. 152. Intelligence Community Scholarship Program.

Subtitle F—Additional Authorities of National Intelligence Authority

Sec. 161. Use of appropriated funds.
Sec. 162. Acquisition and fiscal authorities.
Sec. 163. Personnel matters.
Sec. 164. Ethics matters.

TITLE II—OTHER IMPROVEMENTS OF INTELLIGENCE ACTIVITIES

Subtitle A—Improvements of Intelligence Activities

Sec. 201. Availability to public of certain intelligence funding information.
Sec. 202. Merger of Homeland Security Council into National Security Council.
Sec. 203. Joint Intelligence Community Council.
Sec. 204. Improvement of intelligence capabilities of the Federal Bureau of Investigation.
Sec. 205. Federal Bureau of Investigation Intelligence Career Service.
Sec. 206. Information sharing.

Subtitle B—Privacy and Civil Liberties

Sec. 211. Privacy and Civil Liberties Oversight Board.
Sec. 212. Privacy and civil liberties officers.

Subtitle C—Independence of Intelligence Agencies

Sec. 221. Independence of National Intelligence Director.
Sec. 222. Independence of intelligence.
Sec. 223. Independence of National Counterterrorism Center.
Sec. 224. Access of congressional committees to national intelligence.
Sec. 225. Communications with Congress.

TITLE III—MODIFICATIONS OF LAWS RELATING TO INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Conforming and Other Amendments

Sec. 301. Restatement and modification of basic authority on the Central Intelligence Agency.
Sec. 302. Conforming amendments relating to roles of National Intelligence Director and Director of the Central Intelligence Agency.
Sec. 303. Other conforming amendments
Sec. 304. Modifications of foreign intelligence and counterintelligence under National Security Act of 1947.
Sec. 305. Elements of intelligence community under National Security Act of 1947.
Sec. 306. Redesignation of National Foreign Intelligence Program as National Intelligence Program.
Sec. 307. Conforming amendment on coordination of budgets of elements of the intelligence community within the Department of Defense.
Sec. 308. Repeal of superseded authorities.
Sec. 309. Clerical amendments to National Security Act of 1947.
Sec. 310. Modification of authorities relating to National Counterintelligence Executive.
Sec. 311. Conforming amendment to Inspector General Act of 1978.
Sec. 312. Conforming amendment relating to Chief Financial Officer of the National Intelligence Authority.

Subtitle B—Transfers and Terminations

Sec. 321. Transfer of Office of Deputy Director of Central Intelligence for Community Management.
Sec. 322. Transfer of National Counterterrorism Executive.
Sec. 323. Transfer of Terrorist Threat Integration Center.
Sec. 324. Termination of certain positions within the Central Intelligence Agency.

Subtitle C—Other Transition Matters

Sec. 331. Executive Schedule matters.
Sec. 332. Preservation of intelligence capabilities.
Sec. 333. Reorganization.
Sec. 334. National Intelligence Director report on implementation of intelligence community reform.
Sec. 335. Comptroller General reports on implementation of intelligence community reform.
Sec. 336. General references.

Subtitle D—Effective Date

Sec. 341. Effective date.

Subtitle E—Other Matters

Sec. 351. Severability.
Sec. 352. Authorization of appropriations.

TITLE IV—INFORMATION SHARING

Sec. 401. Information sharing.

TITLE V—CONGRESSIONAL REFORM

Sec. 501. Findings.
Sec. 502. Reorganization of congressional jurisdiction.

TITLE VI—PRESIDENTIAL TRANSITION

Sec. 601. Presidential transition.

TITLE VII—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

Sec. 701. Report on terrorist sanctuaries.
Sec. 702. Role of Pakistan in countering terrorism.
Sec. 703. Aid to Afghanistan.
Sec. 704. The United States-Saudi Arabia relationship.
Sec. 705. Efforts to combat Islamic terrorism by engaging in the struggle of ideas in the Islamic world.
Sec. 706. United States policy toward dictatorships.
Sec. 707. Promotion of United States values through broadcast media.
Sec. 708. Use of United States scholarship and exchange programs in the Islamic world.
Sec. 709. International Youth Opportunity Fund.
Sec. 710. Report on the use of economic policies to combat terrorism.
Sec. 711. Middle East Partnership Initiative.
Sec. 712. Comprehensive coalition strategy for fighting terrorism.
Sec. 713. Detention and humane treatment of captured terrorists.
Sec. 714. Proliferation of weapons of mass destruction.
Sec. 715. Financing of terrorism.

TITLE VIII—TERRORIST TRAVEL AND EFFECTIVE SCREENING

Sec. 801. Counterterrorist travel intelligence.
Sec. 802. Integrated screening system.
Sec. 803. Biometric entry and exit data system.
Sec. 804. Travel documents.
Sec. 805. Exchange of terrorist information.
Sec. 806. Minimum standards for identification-related documents.

TITLE IX—TRANSPORTATION SECURITY

Sec. 901. Definitions.
Sec. 902. National Strategy for Transportation Security.
Sec. 903. Use of watchlists for passenger air transportation screening.
Sec. 904. Enhanced passenger and cargo screening.

TITLE X—NATIONAL PREPAREDNESS

Sec. 1001. Homeland security assistance.
Sec. 1002. The incident command system.
Sec. 1003. National Capital Region Mutual Aid.
Sec. 1004. Assignment of spectrum for public safety.
Sec. 1005. Urban area communications capabilities.
Sec. 1006. Private sector preparedness.
Sec. 1007. Critical infrastructure and readiness assessments.
Sec. 1008. Report on Northern Command and defense of the United States homeland.

TITLE XI—PROTECTION OF CIVIL LIBERTIES

Sec. 1101. Privacy and Civil Liberties Oversight Board.
Sec. 1102. Privacy and Civil Liberties Officers.

SEC. 2. DEFINITIONS.

In this Act:

(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, foreign persons, or international terrorists.

(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, foreign persons, or international terrorists.

(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 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;

(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 Office of Information Analysis of the Department of Homeland Security; and

(iii) includes any other program, project, or activity of a department, agency, or element of the United States Government relating to national intelligence unless the National Intelligence Director and the head of the department, agency, or element concerned determine otherwise; but

(B) except as provided in subparagraph (A)(ii), does not refer to any program, project, or activity of the military departments, including any program, project, or activity of the Defense Intelligence Agency that is not part of the National Foreign Intelligence Program as of the date of the enactment of this Act, to acquire intelligence principally for the planning and conduct of joint or 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.

TITLE I—NATIONAL INTELLIGENCE AUTHORITY

Subtitle A—National Intelligence Authority

SEC. 101. 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 D.

(3) Such other elements, offices, agencies, and activities as may be established by law or by the President or the National Intelligence Director.

(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 of the United States Government.

(2) To ensure the organization of the efforts of the intelligence community of the United States Government in a joint manner relating to intelligence missions rather than through intelligence collection disciplines.

(3) To provide for the operation of the National Counterterrorism Center and national intelligence centers under subtitle D.

(4) To eliminate barriers that impede coordination of the counterterrorism activities of the United States Government between foreign intelligence activities located abroad and foreign intelligence activities located domestically 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. 102. 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) PROHIBITION ON SIMULTANEOUS SERVICE IN OTHER CAPACITY IN INTELLIGENCE COMMUNITY.—The individual serving as National Intelligence Director may not, while so serving, serve in any capacity in any other element of the intelligence community, except to the extent that the individual serving as National Intelligence Director does so in an acting capacity.

(d) 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; and

(4) direct and oversee the National Intelligence Program.

(e) 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 112 and the authorities set forth in section 113 and other applicable provisions of law.

Subtitle B—Responsibilities and Authorities of National Intelligence Director

SEC. 111. PROVISION OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—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;

(4) to the Senate and House of Representatives and the committees thereof; and

(5) to such other persons or entities as the President shall direct.

(b) NATIONAL INTELLIGENCE.—Such national intelligence shall be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

SEC. 112. RESPONSIBILITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) IN GENERAL.—The National Intelligence Director shall—

(1) determine the annual budget for the intelligence and intelligence-related activities of the United States by—

(A) providing to the heads of the departments containing agencies or elements within the intelligence community and that have one or more programs, projects, or activities within the National Intelligence program, and to the heads of such agencies and elements, guidance for development the National Intelligence Program budget pertaining to such agencies or elements;

(B) developing and presenting to the President an annual budget for the National Intelligence Program after consultation with the heads of agencies or elements, and the heads of their respective departments, under subparagraph (A);

(C) providing budget guidance to each element of the intelligence community that does not have one or more program, project, or activity within the National Intelligence Program regarding the intelligence and intelligence-related activities of such element; and

(D) participating in the development by the Secretary of Defense of the annual budgets for the military intelligence programs, projects, and activities not included in the National Intelligence Program;

(2) manage and oversee the National Intelligence Program, including—

(A) the execution of funds within the National Intelligence Program;

(B) the reprogramming of funds appropriated or otherwise made available to the National Intelligence Program; and

(C) the transfer of funds and personnel under the National Intelligence Program;

(3) establish the requirements and priorities to govern the collection, analysis, and dissemination of national intelligence by elements of the intelligence community;

(4) establish collection and analysis requirements for the intelligence community, determine collection and analysis priorities, issue and manage collection and analysis tasking, and resolve conflicts in the tasking of elements of the intelligence community within the National Intelligence Program, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;

(5) provide advisory tasking on the collection of intelligence to elements of the United States Government having information collection capabilities that are not elements of the intelligence community;

(6) manage and oversee the National Counterterrorism Center under section 143, and establish, manage, and oversee national intelligence centers under section 144;

(7) 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;

(8) develop and implement, in consultation with the heads of other agencies or elements of the intelligence community, and the heads of their respective departments, personnel policies and programs applicable to the intelligence community that—

(A) encourage and facilitate assignments and details of personnel to the National Counterterrorism Center under section 143, to national intelligence centers under section 144, and between elements of the intelligence community;

(B) set standards for education, training, and career development of personnel of the intelligence community;

(C) encourage and facilitate the recruitment and retention by the intelligence community of highly qualified individuals for the effective conduct of intelligence activities;

(D) ensure that the personnel of the intelligence community is sufficiently diverse for purposes of the collection and analysis of intelligence through the recruitment and training of women, minorities, and individuals with diverse ethnic, cultural, and linguistic backgrounds;

(E) 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;

(F) ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters;

(G) provide for the effective management of human capital within the intelligence community, including—

(i) the alignment of human resource policies and programs of the elements of the intelligence community with the missions, goals, and organizational objectives of such elements and of the intelligence community overall;

(ii) the assessment of workforce characteristics and future needs and the establishment of workforce development strategies to meet those needs based on relevant organizational missions and strategic plans;

(iii) the sustainment of a culture that encourages and allows for the development of a high performing workforce; and

(iv) the alignment of expectations for personnel performance with relevant organizational missions and strategic plans;

(H) are consistent with the public employment principles of merit and fitness set forth under section 2301 of title 5, United States Code; and

(I) include the enhancements required under section 114;

(9) promote and evaluate the utility of national intelligence to consumers within the United States Government;

(10) ensure that appropriate officials of the United States Government and other appropriate individuals have access to a variety of intelligence assessments and analytical views;

(11) protect intelligence sources and methods from unauthorized disclosure;

(12) establish requirements and procedures for the classification of intelligence information and for access to classified intelligence information;

(13) establish requirements and procedures for the dissemination of classified information by elements of the intelligence community;

(14) establish intelligence reporting guidelines that maximize the dissemination of information while protecting intelligence sources and methods;

(15) develop, in consultation with the heads of 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;

(16) establish standards for information technology and communications for the intelligence community;

(17) ensure that the intelligence community makes efficient and effective use of open-source information and analysis;

(18) ensure compliance by elements of the intelligence community with the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States applicable to the intelligence and intelligence-related activities of the United States Government, including the provisions of the Constitution and all laws, regulations, Executive orders, and implementing guidelines of the United States applicable to the protection of the privacy and civil liberties of United States persons;

(19) eliminate waste and unnecessary duplication within the intelligence community; and

(20) 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 establish uniform standards and procedures for the grant to sensitive compartmented information in accordance with section 115.

(c) PERFORMANCE OF COMMON SERVICES.—(1) The National Intelligence Director shall, in consultation with the heads of departments and agencies of the United States Government containing elements within the intelligence community and with the Director of the Central Intelligence Agency, direct and coordinate the performance by the elements of the intelligence community within the National Intelligence Program of such services as are of common concern to the intelligence community, which services the National Intelligence Director determines can be more efficiently accomplished in a consolidated manner.

(2) The services performed under paragraph (1) shall include research and development on technology for use in national intelligence missions.

(d) REGULATIONS.—The National Intelligence Director may prescribe regulations relating to the discharge and enforcement of the responsibilities of the Director under this section.

SEC. 113. AUTHORITIES OF NATIONAL INTELLIGENCE DIRECTOR.

(a) ACCESS TO INTELLIGENCE.—Unless otherwise directed 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 the intelligence and intelligence-related activities of the United States Government under section 112(a)(1) by—

(1) providing to the heads of the departments containing agencies or elements within the intelligence community and that have one or more programs, projects, or activities within the National Intelligence program, and to the heads of such agencies and elements, guidance for development the National Intelligence Program budget pertaining to such agencies or elements;

(2) developing and presenting to the President an annual budget for the National Intelligence Program after consultation with the heads of agencies or elements, and the heads of their respective departments, under paragraph (1), including, in furtherance of such budget, the review, modification, and approval of budgets of the agencies or elements of the intelligence community with one or more programs, projects, or activities within the National Intelligence Program utilizing the budget authorities in subsection (c)(1);

(3) providing guidance on the development of annual budgets for each element of the intelligence community that does not have any program, project, or activity within the National Intelligence Program utilizing the budget authorities in subsection (c)(2);

(4) 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) receiving the appropriations for the National Intelligence Program as specified in subsection (d) and allotting and allocating funds to agencies and elements of the intelligence community; and

(5) managing and overseeing the execution by the agencies or elements of the intelligence community, and, if necessary, the modification of the annual budget for the National Intelligence Program, including directing the reprogramming and transfer 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) BUDGET AUTHORITIES.—(1)(A) In developing and presenting an annual budget for the elements of the intelligence community within the National Intelligence Program under subsection (b)(1), the National Intelligence Director shall coordinate, prepare, and present to the President the annual budgets of those elements, in consultation with the heads of those elements.

(B) If any portion of the budget for an element of the intelligence community within the National Intelligence Program is prepared outside the Office of the National Intelligence Director, 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).

(C) The budget of an agency or element of the intelligence community with one or more programs, projects, or activities within the National Intelligence Program may not be provided to the President unless the Director has first approved such budget.

(2)(A) The Director shall provide guidance for the development of the annual budgets for each agency or element of the intelligence community that does not have any program, project, or activity within the National Intelligence Program.

(B) The heads of the agencies or elements of the intelligence community, and the heads of their respective departments, referred to in subparagraph (A) shall coordinate closely with the Director in the development of the budgets of such agencies or elements, before the submission of their recommendations on such budgets to the President.

(d) JURISDICTION OF FUNDS UNDER NIP.—(1) 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 the National Intelligence Authority and, pursuant to subsection (e), under the direct jurisdiction of the National Intelligence Director.

(2) 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 Intelligence Program.

(e) ACCOUNTS FOR ADMINISTRATION OF NIP FUNDS.—(1) The Secretary of the Treasury shall, in consultation with the National Intelligence Director, establish accounts for the funds under the jurisdiction of the Director under subsection (d) for purposes of carrying out the responsibilities and authorities of the Director under this Act with respect to the National Intelligence Program.

(2) The National Intelligence Director shall—

(A) control and manage the accounts established under paragraph (1); and

(B) with the concurrence of the Director of the Office of Management and Budget, establish procedures governing the use (including transfers and reprogrammings) of funds in such accounts.

(3)(A) To the extent authorized by law, a certifying official shall follow the procedures established under paragraph (2)(B) with regard to each account established under paragraph (1). Disbursements from any such account shall only be made against a valid obligation of such account.

(B) In this paragraph, the term ''certifying official', with respect to an element of the intelligence community, means an employee of the element who has responsibilities specified in section 3528(a) of title 31, United States Code.

(4) The National Intelligence Director shall allot funds deposited in an account established under paragraph (1) directly to the head of the elements of the intelligence community concerned in accordance with the procedures established under paragraph (2)(B).

(5) Each account established under paragraph (1) shall be subject to chapters 13 and 15 of title 31, United States Code, other than sections 1503 and 1556 of that title.

(6) Nothing in this subsection shall be construed to impair or otherwise affect the authority granted by subsection (g)(3) or by section 5 or 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f, 403j).

(f) ROLE IN REPROGRAMMING OR TRANSFER OF NIP FUNDS BY ELEMENTS OF INTELLIGENCE COMMUNITY.—(1) No funds made available under the National Intelligence Program may be reprogrammed or transferred by any agency or element of the intelligence community without the prior approval of the National Intelligence Director except in accordance with procedures issued by the Director.

(2) The head of the department concerned shall consult with the Director before reprogramming or transferring funds appropriated or otherwise made available to an agency or element of the intelligence community that does not have any program, project, or activity within the National Intelligence Program.

(3) The Director shall, before reprogramming funds appropriated or otherwise made available for an element of the intelligence community within the National Intelligence Program, consult with the head of the department or agency having jurisdiction over such element regarding such reprogramming.

(4)(A) 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.

(B) Any modification of procedures under subparagraph (A) shall include procedures for the notification of the appropriate committees of Congress of any objection raised by the head of a department or agency to a reprogramming proposed by the Director as a result of consultations under paragraph (3).

(g) TRANSFER OR REPROGRAMMING OF FUNDS AND TRANSFER OF PERSONNEL WITHIN NIP.—(1) 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 and after consultation with the heads of the departments containing agencies or elements within the intelligence community to the extent their subordinate agencies or elements are affected, with the heads of such subordinate agencies or elements, and with the Director of the Central Intelligence Agency to the extent the Central Intelligence Agency is affected, may—

(A) transfer or reprogram funds appropriated for a program within the National Intelligence Program to another such program;

(B) review, and approve or disapprove, any proposal to transfer or reprogram funds from appropriations that are not for the National Intelligence Program to appropriations for the National Intelligence Program;

(C) in accordance with procedures to be developed by the National Intelligence Director, transfer personnel of the intelligence community funded through the National Intelligence Program from one element of the intelligence community to another element of the intelligence community; and

(D) in accordance with procedures to be developed by the National Intelligence Director and the heads of the departments and agencies concerned, transfer personnel of the intelligence community not funded through the National Intelligence Program from one element of the intelligence community to another element of the intelligence community.

(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 transfer does not involve a transfer of funds to the Reserve for Contingencies of the National Intelligence Director; or

(C) the transfer does not exceed applicable ceilings established in law for such transfers.

(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)(A) The National Intelligence Director shall promptly submit to the appropriate committees of Congress 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.

(B) In this paragraph, the term ''appropriate committees of Congress'' means—

(i)(I) the Committee on Appropriations and the Select Committee on Intelligence of the Senate; and

(II) the Committee on Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives;

(ii) in the case of a transfer of personnel to or from the Department of Defense—

(I) the committees and select committees referred to in clause (i);

(II) the Committee on Armed Services of the Senate; and

(III) the Committee on Armed Services of the House of Representatives;

(iii) in the case of a transfer of personnel to or from the Federal Bureau of Investigation—

(I) the committees and select committees referred to in clause (i);

(II) the Committee on the Judiciary of the Senate; and

(III) the Committee on the Judiciary of the House of Representatives; and

(iv) in the case of a transfer of personnel to or from the Department of Homeland Security—

(I) the committees and select committees referred to in clause (i);

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

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

(h) INFORMATION TECHNOLOGY AND COMMUNICATIONS.—(1) In conforming with section 205, in carrying out section 112(a)(16), the National Intelligence Director shall—

(A) establish standards for information technology and communications across the intelligence community;

(B) develop an integrated information technology network and enterprise architecture for the intelligence community, including interface standards for interoperability to enable automated information-sharing among elements of the intelligence community;

(C) maintain an inventory of critical information technology and communications systems, and eliminate unnecessary or duplicative systems;

(D) establish contingency plans for the intelligence community regarding information technology and communications; and

(E) establish policies, doctrine, training, and other measures necessary to ensure that the intelligence community develops an integrated information technology and communications network that ensures information-sharing.

(2) Consistent with section 205, the Director shall take any action necessary, including the setting of standards for information technology and communications across the intelligence community, to develop an integrated information technology and communications network that ensures information-sharing across the intelligence community.

(i) COORDINATION WITH FOREIGN GOVERNMENTS.—In a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the National Intelligence Director shall oversee and direct the Director of the Central Intelligence Agency in coordinating, under section 103(f) of the National Security Act of 1947, 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) OPEN SOURCE INFORMATION COLLECTION.—The National Intelligence Director shall establish and maintain within the intelligence community an effective and efficient open-source information collection capability.

(k) ACCESS TO INFORMATION.—Except as otherwise directed by the President, the head of each element of the intelligence community shall promptly provide the National Intelligence Director such information in the possession or under the control of such element as the Director may request in order to facilitate the exercise of the authorities and responsibilities of the Director under this Act.

SEC. 114. ENHANCED PERSONNEL MANAGEMENT.

(a) REWARDS FOR SERVICE IN CERTAIN POSITIONS.—(1) The National Intelligence Director shall prescribe regulations to 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.—Notwithstanding any other provision of law, the National Intelligence Director shall ensure that 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.

(c) JOINT CAREER MATTERS.—(1) In carrying out section 112(a)(8), 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. 115. SECURITY CLEARANCES.

(a) IN GENERAL.—The President, in consultation with the National Intelligence Director, the department, agency, or element selected under (b), and other appropriate officials shall—

(1) establish uniform standards and procedures for the grant of access to classified information for employees and contractor personnel of the United States Government who require access to such information;

(2) ensure the consistent implementation of the standards and procedures established under paragraph (1) throughout the departments, agencies, and elements of the United States Government and under contracts entered into by such departments, agencies, and elements;

(3) ensure that an individual who is granted or continued eligibility for access to classified information is treated by each department, agency, or element of the executive branch as eligible for access to classified information at that level for all purposes of each such department, agency, or element, regardless of which department, agency, or element of the executive branch granted or continued the eligibility of such individual for access to classified information;

(4) establish uniform requirements and standards, including for security questionnaires, financial disclosure requirements, and standards for administering polygraph examinations, to be utilized for the performance of security clearance investigations, including by the contractors conducting such investigations; and

(5) ensure that the database established under subsection (b)(2)(B) meets the needs of the intelligence community.

(b) PERFORMANCE OF SECURITY CLEARANCE INVESTIGATIONS.—(1) Not later than 45 days after the date of the enactment of this Act, the President shall select a single department, agency, or element of the executive branch to conduct all security clearance investigations of employees and contractor personnel of the United States Government who require access to classified information and to provide and maintain all security clearances of such employees and contractor personnel.

(2) The department, agency, or element selected under paragraph (1) shall—

(A) take all necessary actions to carry out the requirements of this section, including entering into a memorandum of understanding with any agency carrying out responsibilities relating to security clearances or security clearance investigations before the date of the enactment of this Act;

(B) as soon as practicable, establish and maintain a single database for tracking security clearance applications, security clearance investigations, and determinations of eligibility for security clearances, which database shall incorporate applicable elements of similar databases in existence on the date of the enactment of this Act; and

(C) ensure that security clearance investigations are conducted in accordance with uniform standards and requirements established under subsection (a)(4), including uniform security questionnaires and financial disclosure requirements.

(c) ADJUDICATION AND GRANT OF SECURITY CLEARANCES.—(1) Each agency that adjudicates and grants security clearances as of the date of the enactment of this Act may continue to adjudicate and grant security clearances after that date.

(2) Each agency that adjudicates and grants security clearances shall specify to the department, agency, or element selected under subsection (b) the level of security clearance investigation required for an individual under its jurisdiction.

(3) Upon granting or continuing eligibility for access to classified information to an individual under its jurisdiction, an agency that adjudicates and grants security clearances shall submit to the department, agency, or element selected under subsection (b) notice of that action, including the level of access to classified information granted.

(d) UTILIZATION OF PERSONNEL.—There shall be transferred to the department, agency, or element selected under subsection (b) any personnel of any executive agency whose sole function as of the date of the enactment of this Act is the performance of security clearance investigations.

(e) TRANSITION.—The President shall take appropriate actions to ensure that the performance of security clearance investigations under this section commences not later than one year after the date of the enactment of this Act.

SEC. 116. NATIONAL INTELLIGENCE RESERVE CORPS.

(a) ESTABLISHMENT.—The National Intelligence Director may provide for the establishment and training of a National Intelligence Reserve Corps (in this section referred to as ''National Intelligence Reserve Corps'') for the temporary reemployment on a voluntary basis of former employees of elements of the intelligence community during periods of emergency, as determined by the Director.

(b) ELIGIBLE INDIVIDUALS.—An individual may participate in the National Intelligence Reserve Corps only if the individual previously served as a full time employee of an element of the intelligence community.

(c) LIMITATION ON MEMBERSHIP.—The total number of individuals who are members of the National Intelligence Reserve Corps at any given time may not exceed 200 individuals.

(d) TERMS OF PARTICIPATION.—The National Intelligence Director shall prescribe the terms and conditions under which eligible individuals may participate in the National Intelligence Reserve Corps.

(e) EXPENSES.—The National Intelligence Director may provide members of the National Intelligence Reserve Corps transportation and per diem in lieu of subsistence for purposes of participating in any training that relates to service as a member of the Reserve Corps.

(f) TREATMENT OF ANNUITANTS.—(1) If an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes temporarily reemployed pursuant to this section, such annuity shall not be discontinued thereby.

(2) An annuitant so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

(g) TREATMENT UNDER NATIONAL INTELLIGENCE AUTHORITY PERSONNEL CEILING.—A member of the National Intelligence Reserve Corps who is reemployed on a temporary basis pursuant to this section shall not count against any personnel ceiling applicable to the National Intelligence Authority.

SEC. 117. APPOINTMENT AND TERMINATION OF CERTAIN OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) RECOMMENDATION OF NID IN CERTAIN APPOINTMENT.—In the event of a vacancy in the position of Director of the Central Intelligence Agency, the National Intelligence Director shall recommend to the President an individual for nomination to fill the vacancy.

(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 Assistant Secretary of Homeland Security for Information Analysis.

(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 ON TERMINATION OF SERVICE.—(1) 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.

(2) In the event the Director intends to recommend to the President the termination of service of an individual under paragraph (1), the Director shall seek the concurrence of the head of the department or agency concerned. If the head of the department or agency concerned does not concur in the recommendation, the Director may make the recommendation to the President without the concurrence of the head of the department or agency concerned, but shall notify the President that the head of the department or agency concerned does not concur in the recommendation.

SEC. 118. RESERVE FOR CONTINGENCIES OF THE NATIONAL INTELLIGENCE DIRECTOR.

(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Reserve for Contingencies of the National Intelligence Director.

(b) ELEMENTS.—The Reserve shall consist of the following elements:

(1) Amounts authorized to be appropriated to the Reserve.

(2) Any amounts authorized to be transferred to or deposited in the Reserve by law.

(c) AVAILABILITY.—Amounts in the Reserve shall be available for such purposes as are provided by law.

(d) TRANSFER OF FUNDS OF RESERVE FOR CONTINGENCIES OF CIA.—There shall be transferred to the Reserve for Contingencies of the National Intelligence Director all unobligated balances of the Reserve for Contingencies of the Central Intelligence Agency as of the date of the enactment of this Act.

Subtitle C—Office of the National Intelligence Director

SEC. 121. 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 Principal Deputy National Intelligence Director.

(2) Any Deputy National Intelligence Director appointed under section 122(b).

(3) The National Intelligence Council.

(4) The General Counsel of the National Intelligence Authority.

(5) The Intelligence Comptroller.

(6) The Officer for Civil Rights and Civil Liberties of the National Intelligence Authority.

(7) The Privacy Officer of the National Intelligence Authority.

(8) The Chief Information Officer of the National Intelligence Authority.

(9) The Chief Human Capital Officer of the National Intelligence Authority.

(10) The Chief Financial Officer of the National Intelligence Authority.

(11) The National Counterintelligence Executive (including the Office of the National Counterintelligence Executive).

(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 of the National Intelligence Director under paragraph (1) shall include the staff of the Office of the Deputy Director of Central Intelligence for Community Management that is transferred to the Office of the National Intelligence Director under section 321.

(e) PROHIBITION ON CO-LOCATION WITH OTHER ELEMENTS OF INTELLIGENCE COMMUNITY.—Commencing as of October 1, 2006, the Office of the National Intelligence Director may not be co-located with any other element of the intelligence community.

SEC. 122. DEPUTY NATIONAL INTELLIGENCE DIRECTORS.

(a) PRINCIPAL DEPUTY NATIONAL INTELLIGENCE DIRECTOR.—(1) There is a Principal Deputy National Intelligence Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) In the event of a vacancy in the position of Principal Deputy National Intelligence Director, the National Intelligence Director shall recommend to the President an individual for appointment as Principal Deputy National Intelligence Director.

(3) Any individual nominated for appointment as Principal Deputy National Intelligence Director shall have extensive national security experience and management expertise.

(4) The individual serving as Principal Deputy National Intelligence Director may not, while so serving, serve in any capacity in any other element of the intelligence community, except to the extent that the individual serving as Principal Deputy National Intelligence Director is doing so in an acting capacity.

(5) The Principal Deputy National Intelligence Director shall assist the National Intelligence Director in carrying out the duties and responsibilities of the Director.

(6) The Principal 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 DIRECTORS.—(1) There may be not more than four Deputy National Intelligence Directors who shall be appointed by the President.

(2) In the event of a vacancy in any position of Deputy National Intelligence Director established under this subsection, the National Intelligence Director shall recommend to the President an individual for appointment to such position.

(3) Each Deputy National Intelligence Director appointed under this subsection shall have such duties, responsibilities, and authorities as the National Intelligence Director may assign or are specified by law.

SEC. 123. 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) produce national intelligence estimates for the United States Government, including alternative views held by elements of the intelligence community and other information as specified in paragraph (2);

(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 111.

(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. 124. 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. 125. 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. 126. 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 President.

(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, as provided in the Constitution, laws, regulations, and Executive orders of the United States, is appropriately incorporated in—

(A) the policies and procedures developed for and implemented by the National Intelligence Authority;

(B) the policies and procedures regarding the relationships among the elements of the intelligence community within the National Intelligence Program; and

(C) the policies and procedures regarding the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

(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, as provided in the Constitution, laws, regulations, and Executive orders of the United States, 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;

(4) coordinate with the Privacy Officer of the National Intelligence Authority to ensure that programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

(5) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 127. 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.—(1) The Privacy Officer of the National Intelligence Authority shall have primary responsibility for the privacy policy of the National Intelligence Authority (including in the relationships among the elements of the intelligence community within the National Intelligence Program and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community).

(2) In discharging the responsibility under paragraph (1), the Privacy Officer shall—

(A) assure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;

(B) 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;

(C) conduct privacy impact assessments when appropriate or as required by law; and

(D) coordinate with the Officer for Civil Rights and Civil Liberties of the National Intelligence Authority to ensure that programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner.

SEC. 128. 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 implementing the responsibilities and executing the authorities related to information technology under paragraphs (15) and (16) of section 112(a) and section 113(h); and

(2) perform such other duties as may be prescribed by the Director or specified by law.

SEC. 129. CHIEF HUMAN CAPITAL OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) CHIEF HUMAN CAPITAL OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Chief Human Capital Officer of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Chief Human Capital Officer of the National Intelligence Authority shall—

(1) have the functions and authorities provided for Chief Human Capital Officers under sections 1401 and 1402 of title 5, United States Code, with respect to the National Intelligence Authority; and

(2) advise and assist the National Intelligence Director in exercising the authorities and responsibilities of the Director with respect to the workforce of the intelligence community as a whole.

SEC. 130. CHIEF FINANCIAL OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) CHIEF FINANCIAL OFFICER OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Chief Financial Officer of the National Intelligence Authority who shall be designated by the President, in consultation with the National Intelligence Director.

(b) DESIGNATION REQUIREMENTS.—The designation of an individual as Chief Financial Officer of the National Intelligence Authority shall be subject to applicable provisions of section 901(a) of title 31, United States Code.

(c) AUTHORITIES AND FUNCTIONS.—The Chief Financial Officer of the National Intelligence Authority shall have such authorities, and carry out such functions, with respect to the National Intelligence Authority as are provided for an agency Chief Financial Officer by section 902 of title 31, United States Code, and other applicable provisions of law.

(d) COORDINATION WITH NIA COMPTROLLER.—(1) The Chief Financial Officer of the National Intelligence Authority shall coordinate with the Comptroller of the National Intelligence Authority in exercising the authorities and performing the functions provided for the Chief Financial Officer under this section.

(2) The National Intelligence Director shall take such actions as are necessary to prevent duplication of effort by the Chief Financial Officer of the National Intelligence Authority and the Comptroller of the National Intelligence Authority.

(e) INTEGRATION OF FINANCIAL SYSTEMS.—Subject to the supervision, direction, and control of the National Intelligence Director, the Chief Financial Officer of the National Intelligence Authority shall take appropriate actions to ensure the timely and effective integration of the financial systems of the National Intelligence Authority (including any elements or components transferred to the Authority by this Act), and of the financial systems of the Authority with applicable portions of the financial systems of the other elements of the intelligence community, as soon as possible after the date of the enactment of this Act.

(f) PROTECTION OF ANNUAL FINANCIAL STATEMENT FROM DISCLOSURE.—The annual financial statement of the National Intelligence Authority required under section 3515 of title 31, United States Code—

(1) shall be submitted in classified form; and

(2) notwithstanding any other provision of law, shall be withheld from public disclosure.

SEC. 131. NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—The National Counterintelligence Executive under section 902 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.), as amended by section 309 of this Act, is a component of the Office of the National Intelligence Director.

(b) DUTIES.—The National Counterintelligence Executive shall perform the duties provided in the Counterintelligence Enhancement Act of 2002, as so amended, and such other duties as may be prescribed by the National Intelligence Director or specified by law.

Subtitle D—Additional Elements of National Intelligence Authority

SEC. 141. INSPECTOR GENERAL OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OFFICE OF INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—There is within the National Intelligence Authority 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 relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

(2) recommend policies designed—

(A) to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and in such relationships; and

(B) to prevent and 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—

(A) problems and deficiencies relating to the administration of such programs and operations, and to such relationships; and

(B 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—

(A) significant problems and deficiencies relating to the administration of such programs and operations, and to such relationships; and

(B) 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 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, the relationships among the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community 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 such relationships, 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, and of any other element of the intelligence community within the National Intelligence Program, 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 of the National Intelligence Authority 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 Federal government—

(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 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.

(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 the 30 days after the date of receipt 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, a relationship between the elements of the intelligence community within the National Intelligence Program, or a relationship between an element of the intelligence community within the National Intelligence Program and another element of the intelligence community.

(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, an employee of an entity other than the Authority who is assigned or detailed to the Authority, or an employee 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.

(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

(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. 142. OMBUDSMAN OF THE NATIONAL INTELLIGENCE AUTHORITY.

(a) OMBUDSMAN OF NATIONAL INTELLIGENCE AUTHORITY.—There is within the National Intelligence Authority an Ombudsman of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) DUTIES.—The Ombudsman of the National Intelligence Authority shall—

(1) counsel, arbitrate, or offer recommendations on, and have the authority to initiate inquiries into, real or perceived problems of politicization, biased reporting, or lack of objective analysis within the National Intelligence Authority, or any element of the intelligence community within the National Intelligence Program, or regarding any analysis of national intelligence by any element of the intelligence community;

(2) monitor the effectiveness of measures taken to deal with real or perceived politicization, biased reporting, or lack of objective analysis within the Authority, or any element of the intelligence community within the National Intelligence Program, or regarding any analysis of national intelligence by any element of the intelligence community; and

(3) conduct reviews of the analytic product or products of the Authority, or any element of the intelligence community within the National Intelligence Program, or of any analysis of national intelligence by any element of the intelligence community, with such reviews to be conducted so as to ensure that analysis is timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

(c) ANALYTIC REVIEW UNIT.—(1) There is within the Office of the Ombudsman of the National Intelligence Authority an Analytic Review Unit.

(2) The Analytic Review Unit shall assist the Ombudsman of the National Intelligence Authority in performing the duties and responsibilities of the Ombudsman set forth in subsection (b)(3).

(3) The Ombudsman shall provide the Analytic Review Unit a staff who possess expertise in intelligence analysis that is appropriate for the function of the Unit.

(4) In assisting the Ombudsman, the Analytic Review Unit shall, subject to the direction and control of the Ombudsman, conduct detailed evaluations of intelligence analysis by the following:

(A) The National Intelligence Council.

(B) The elements of the intelligence community within the National Intelligence Program.

(C) To the extent involving the analysis of national intelligence, other elements of the intelligence community.

(D) The divisions, offices, programs, officers, and employees of the elements specified in subparagraphs (B) and (C).

(5) The results of the evaluations under paragraph (4) shall be provided to the congressional intelligence committees and, upon request, to appropriate heads of other departments, agencies, and elements of the executive branch.

(d) ACCESS TO INFORMATION.—In order to carry out the duties specified in subsection (c), the Ombudsman of the National Intelligence Authority shall, unless otherwise directed by the President, have access to all analytic products, field reports, and raw intelligence of any element of the intelligence community, and to any reports or other material of an Inspector General, that might be pertinent to a matter under consideration by the Ombudsman.

(e) ANNUAL REPORTS.—The Ombudsman of the National Intelligence Authority shall submit to the National Intelligence Director and the congressional intelligence committees on an annual basis a report that includes—

(1) the assessment of the Ombudsman of the current level of politicization, biased reporting, or lack of objective analysis within the National Intelligence Authority, or any element of the intelligence community within the National Intelligence Program, or regarding any analysis of national intelligence by any element of the intelligence community;

(2) such recommendations for remedial measures as the Ombudsman considers appropriate; and

(3) an assessment of the effectiveness of remedial measures previously taken within the intelligence community on matters addressed by the Ombudsman.

(f) REFERRAL OF CERTAIN MATTERS FOR INVESTIGATION.—In addition to carrying out activities under this section, the Ombudsman of the National Intelligence Authority may refer serious cases of misconduct related to politicization of intelligence information, biased reporting, or lack of objective analysis within the intelligence community to the Inspector General of the National Intelligence Authority for investigation.

SEC. 143. 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, and who shall be appointed 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.

(3) The individual serving as the Director of the National Counterterrorism Center may not, while so serving, serve in any capacity in any other element of the intelligence community, except to the extent that the individual serving as Director of the National Counterterrorism Center is doing so in an acting capacity.

(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; and

(B) the activities of the Directorate of Intelligence of the National Counterterrorism Center under subsection (g).

(2) The Director of the National Counterterrorism Center shall report to the President and the National Intelligence Director on the planning and progress of joint counterterrorism operations.

(d) PRIMARY MISSIONS.—The primary missions of the National Counterterrorism Center shall be as follows:

(1) To develop and unify strategy for the civilian and military counterterrorism efforts of the United States Government.

(2) To integrate counterterrorism intelligence activities of the United States Government, both inside and outside the United States.

(3) To develop interagency counterterrorism plans, which plans shall—

(A) involve more than one department, agency, or element of the executive branch (unless otherwise directed by the President); and

(B) include the mission, objectives to be achieved, courses of action, parameters for such courses of action, coordination of agency operational activities, recommendations for operational plans, and assignment of departmental or agency responsibilities.

(4) To ensure that the collection of counterterrorism intelligence, and the conduct of counterterrorism operations, by the United States Government are informed by the analysis of all-source intelligence.

(e) DUTIES AND RESPONSIBILITIES OF DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—Notwithstanding any other provision of law, at the direction of the President, the National Security Council, and the National Intelligence Director, the Director of the National Counterterrorism Center shall—

(1) serve as the principal adviser to the President and the National Intelligence Director on joint 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 and deconfliction 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) in accordance with subsection (f), 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; and

(5) perform such other duties as the National Intelligence Director may prescribe or are prescribed by law.

(f) ROLE OF DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER 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 the National Counterterrorism Center before appointing an individual to fill the vacancy or recommending to the President an individual for nomination 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 the appointment or recommendation (as the case may be).

(2) Paragraph (1) applies to the following positions:

(A) The Director of the Central Intelligence Agency's Counterterrorist Center.

(B) The Assistant Director of the Federal Bureau of Investigation in charge of the Counterterrorism Division.

(C) The Coordinator for Counterterrorism of the Department of State.

(D) The head of such other operating entities of the United States Government having principal missions relating to counterterrorism as the President may designate for purposes of this subsection.

(3) The President shall notify Congress of the designation of an operating entity of the United States Government under paragraph (2)(D) not later than 30 days after the date of such designation.

(g) 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 323 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 intentions and capabilities with assessed national vulnerabilities and countermeasures; and

(D) perform such other duties and functions as the Director of the National Counterterrorism Center may prescribe.

(h) DIRECTORATE OF PLANNING.—(1) The Director of the National Counterterrorism Center shall establish and maintain within the National Counterterrorism Center a Directorate of Planning.

(2) The Directorate shall have primary responsibility for developing interagency counterterrorism plans, as described in subsection (d)(3).

(3) The Directorate shall—

(A) provide guidance, and develop strategy and interagency plans, to counter terrorist activities based on policy objectives and priorities established by the National Security Council;

(B) develop interagency 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 and agencies of the United States Government (including the Department of Defense, the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Homeland Security, and other departments and agencies of the United States Government), consistent with the authorities of such departments and agencies;

(D) monitor the implementation of operations assigned under subparagraph (C) and update interagency 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).

(i) STAFF.—(1) The National Intelligence Director may appoint deputy directors of the National Counterterrorism Center to oversee such portions of the operations of the Center as the National Intelligence Director considers appropriate.

(2) To assist the Director of the National Counterterrorism Center in fulfilling the duties and responsibilities of the Director of the National Counterterrorism Center under this section, the National Intelligence Director shall employ 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 National Intelligence Director may establish as positions in the excepted service such positions in the Center as the National Intelligence Director considers appropriate.

(4) The National Intelligence Director shall ensure 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 National Intelligence Director considers appropriate.

(5)(A) In order to meet the requirements in paragraph (4), the National Intelligence Director shall, from time to time—

(i) specify the transfers, assignments, and details of personnel funded within the National Intelligence Program to the National Counterterrorism Center from any other 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 and not funded within the National Intelligence Program, request the transfer, assignment, or detail of such personnel from the department, agency, or other element concerned.

(B)(i) The head of an element of the intelligence community shall promptly effect any transfer, assignment, or detail of personnel specified by the National Intelligence Director under subparagraph (A)(i).

(ii) The head of a department, agency, or element of the United States Government receiving a request for transfer, assignment, or detail of personnel under subparagraph (A)(ii) shall, to the extent practicable, approve the request.

(6) Personnel employed in or assigned or detailed to the National Counterterrorism Center under this subsection shall be under the authority, direction, and control of the Director of the National Counterterrorism Center on all matters for which the Center has been assigned responsibility and for all matters related to the accomplishment of the missions of the Center.

(7) Performance evaluations of personnel assigned or detailed to the National Counterterrorism Center under this subsection shall be undertaken by the supervisors of such personnel at the Center.

(8) The supervisors of the staff of the National Counterterrorism 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.

(9) The National Intelligence Director may delegate to the Director of the National Counterterrorism Center any responsibility, power, or authority of the National Intelligence Director under paragraphs (1) through (8).

(10) 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.

(j) 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 interagency 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 and consistent with the limitation in subsection (h)(4);

(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 missions of the Center.

(3) In the event of a disagreement between the National Intelligence Director and the head of a department, agency, or element of the United States Government on a plan developed or responsibility assigned by the National Counterterrorism Center under this subsection, the National Intelligence Director may either accede to the head of the department, agency, or element concerned or notify the President of the necessity of resolving the disagreement.

SEC. 144. NATIONAL INTELLIGENCE CENTERS.

(a) NATIONAL INTELLIGENCE CENTERS.—(1) The National Intelligence Director may establish within the National Intelligence Authority 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 established under this section shall be assigned an area of intelligence responsibility.

(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 administrative support 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 each national intelligence center before the date of the establishment of such 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 (2), 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 is 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 to effectively accomplish the mission of the center.

(d) MISSION OF CENTERS.—Pursuant to the direction of the National Intelligence Director, each national intelligence center shall, in the area of intelligence responsibility assigned to the center by the Director pursuant to intelligence priorities established by the National Security Council—

(1) have primary responsibility for providing all-source analysis of intelligence based upon foreign intelligence gathered both abroad and domestically;

(2) have primary responsibility for identifying and proposing to the National Intelligence Director intelligence collection and analysis requirements;

(3) have primary responsibility for net assessments and warnings;

(4) ensure that appropriate officials of the United States Government and other appropriate officials have access to a variety of intelligence assessments and analytical views; and

(5) perform such other duties as the National Intelligence Director shall specify.

(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 Principal Deputy National Intelligence Director regarding such activities.

(f) STAFF.—(1) In providing for a professional staff for a national intelligence center, the National Intelligence Director may establish as positions in the excepted service such positions in the center as the National Intelligence Director considers appropriate.

(2)(A) The National Intelligence Director shall, from time to time—

(i) specify the transfers, assignments, and details of personnel funded within the National Intelligence Program to a national intelligence center from any other 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 not funded within the National Intelligence Program, request the transfer, assignment, or detail of such personnel from the department, agency, or other element concerned.

(B)(i) The head of an element of the intelligence community shall promptly effect any transfer, assignment, or detail of personnel specified by the National Intelligence Director under subparagraph (A)(i).

(ii) The head of a department, agency, or element of the United States Government receiving a request for transfer, assignment, or detail of personnel under subparagraph (A)(ii) shall, to the extent practicable, approve the request.

(3) Personnel employed in or assigned or detailed to a national intelligence center under this subsection 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.

(4) 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.

(5) 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.

(6) The National Intelligence Director may delegate to the Director of a national intelligence center any responsibility, power, or authority of the National Intelligence Director under paragraphs (1) through (6).

(7) 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.

(g) TERMINATION.—(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 any determination made under paragraph (1) before carrying out such determination.

Subtitle E—Education and Training of Intelligence Community Personnel

SEC. 151. FRAMEWORK FOR CROSS-DISCIPLINARY EDUCATION AND TRAINING.

The National Intelligence Director shall establish an integrated framework that brings together the educational components of the intelligence community in order to promote a more effective and productive intelligence community through cross-disciplinary education and joint training.

SEC. 152. INTELLIGENCE COMMUNITY SCHOLARSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means each element of the intelligence community as determined by the National Intelligence Director.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) PROGRAM.—The term ''Program'' means the Intelligence Community Scholarship Program established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The National Intelligence Director, in consultation with the head of each agency, shall establish a scholarship program (to be known as the ''Intelligence Community Scholarship Program'') to award scholarships to individuals that is designed to recruit and prepare students for civilian careers in the intelligence community to meet the critical needs of the intelligence community agencies.

(2) SELECTION OF RECIPIENTS.—

(A) MERIT AND AGENCY NEEDS.—Individuals shall be selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit and the needs of the agency.

(B) DEMONSTRATED COMMITMENT.—Individuals selected under this section shall have a demonstrated commitment to the field of study for which the scholarship is awarded.

(3) CONTRACTUAL AGREEMENTS.—To carry out the Program the head of each agency shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the agency, for the period described in subsection (h)(1), in positions needed by the agency and for which the individuals are qualified, in exchange for receiving a scholarship.

(c) ELIGIBILITY.—In order to be eligible to participate in the Program, an individual shall—

(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education and be pursuing or intend to pursue undergraduate or graduate education in an academic field or discipline described in the list made available under subsection (e);

(2) be a United States citizen; and

(3) at the time of the initial scholarship award, not be an employee (as defined under section 2105 of title 5, United States Code).

(d) APPLICATION.— An individual seeking a scholarship under this section shall submit an application to the National Intelligence Director at such time, in such manner, and containing such information, agreements, or assurances as the Director may require.

(e) PROGRAMS AND FIELDS OF STUDY.—The National Intelligence Director shall—

(1) make publicly available a list of academic programs and fields of study for which scholarships under the Program may be used; and

(2) update the list as necessary.

(f) SCHOLARSHIPS.—

(1) IN GENERAL.—The National Intelligence Director may provide a scholarship under the Program for an academic year if the individual applying for the scholarship has submitted to the Director, as part of the application required under subsection (d), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (e).

(2) LIMITATION ON YEARS.—An individual may not receive a scholarship under this section for more than 4 academic years, unless the National Intelligence Director grants a waiver.

(3) STUDENT RESPONSIBILITIES.—Scholarship recipients shall maintain satisfactory academic progress.

(4) AMOUNT.—The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the National Intelligence Director, but shall in no case exceed the cost of tuition, fees, and other authorized expenses as established by the Director.

(5) USE OF SCHOLARSHIPS.—A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the National Intelligence Director by regulation.

(6) PAYMENT TO INSTITUTION OF HIGHER EDUCATION.—The National Intelligence Director may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

(g) SPECIAL CONSIDERATION FOR CURRENT EMPLOYEES.—

(1) SET ASIDE OF SCHOLARSHIPS.—Notwithstanding paragraphs (1) and (3) of subsection (c), 10 percent of the scholarships awarded under this section shall be set aside for individuals who are employees of agencies on the date of enactment of this section to enhance the education of such employees in areas of critical needs of agencies.

(2) FULL- OR PART-TIME EDUCATION.—Employees who are awarded scholarships under paragraph (1) shall be permitted to pursue undergraduate or graduate education under the scholarship on a full-time or part-time basis.

(h) EMPLOYEE SERVICE.—

(1) PERIOD OF SERVICE.—Except as provided in subsection (j)(2), the period of service for which an individual shall be obligated to serve as an employee of the agency is 24 months for each academic year for which a scholarship under this section is provided. Under no circumstances shall the total period of obligated service be more than 8 years.

(2) BEGINNING OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided.

(B) DEFERRAL.—In accordance with regulations established by the National Intelligence Director, the Director or designee may defer the obligation of an individual to provide a period of service under paragraph (1) if the Director or designee determines that such a deferral is appropriate.

(i) REPAYMENT.—

(1) IN GENERAL.—Scholarship recipients who fail to maintain a high level of academic standing, as defined by the National Intelligence Director, who are dismissed from their educational institutions for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was awarded, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as provided in subsection (j)(2). The repayment period may be extended by the Director when determined to be necessary, as established by regulation.

(2) LIABILITY.—Scholarship recipients who, for any reason, fail to begin or complete their service obligation after completion of academic training, or fail to comply with the terms and conditions of deferment established by the National Intelligence Director under subsection (h)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

(A) the total amount of scholarships received by such individual under this section; and

(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

(j) CANCELLATION, WAIVER, OR SUSPENSION OF OBLIGATION.—

(1) CANCELLATION.—Any obligation of an individual incurred under the Program (or a contractual agreement thereunder) for service or payment shall be canceled upon the death of the individual.

(2) WAIVER OR SUSPENSION.—The National Intelligence Director shall prescribe regulations to provide for the partial or total waiver or suspension of any obligation of service or payment incurred by an individual under the Program (or a contractual agreement thereunder) whenever compliance by the individual is impossible or would involve extreme hardship to the individual, or if enforcement of such obligation with respect to the individual would be contrary to the best interests of the Government.

(k) REGULATIONS.—The National Intelligence Director shall prescribe regulations necessary to carry out this section.

Subtitle F—Additional Authorities of National Intelligence Authority

SEC. 161. 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. 162. ACQUISITION AND FISCAL AUTHORITIES.

(a) ACQUISITIONS OF MAJOR SYSTEMS.—(1) For each intelligence program for the acquisition of a major system, the National Intelligence Director shall—

(A) require the development and implementation of a program management plan that includes cost, schedule, and performance goals and program milestone criteria;

(B) subject to paragraph (4), serve as the exclusive milestone decision authority; and

(C) periodically—

(i) review and assess the progress made toward the achievement of the goals and milestones established in such plan; and

(ii) submit to Congress a report on the results of such review and assessment.

(2) The National Intelligence Director shall prescribe guidance for the development and implementation of program management plans under this subsection. In prescribing such guidance, the Director shall review Department of Defense guidance on program management plans for Department of Defense programs for the acquisition of major systems and, to the extent feasible, incorporate the principles of the Department of Defense guidance into the Director's guidance under this subsection.

(3) Nothing in this subsection may be construed to limit the authority of the National Intelligence Director to delegate to any other official any authority to perform the responsibilities of the Director under this subsection.

(4)(A) The authority conferred by paragraph (1)(B) shall not apply to Department of Defense programs until the National Intelligence Director, in consultation with the Secretary of Defense, determines that the National Intelligence Authority has the personnel and capability to fully and effectively carry out such authority.

(B) The National Intelligence Director may assign any authority under this subsection to the Secretary of Defense. The assignment of such authority shall be made pursuant to a memorandum of understanding between the Director and the Secretary.

(5) In this subsection:

(A) The term ''intelligence program'', with respect to the acquisition of a major system, means a program that—

(i) is carried out to acquire such major system for an element of the intelligence community; and

(ii) is funded in whole out of amounts available for the National Intelligence Program.

(B) The term ''major system'' has the meaning given such term in section 4(9) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 403(9)).

(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law (other than the provisions of this Act), sums appropriated or otherwise made available to the National Intelligence Authority may be expended for purposes necessary to carry out its functions, including any function performed by the National Intelligence Authority that is described in section 8(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j(a)).

(c) RELATIONSHIP OF DIRECTOR'S AUTHORITY TO OTHER LAWS ON ACQUISITION AND MANAGEMENT OF PROPERTY AND SERVICES.—Section 113(e) of title 40, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(20) the National Intelligence Director.''.

(d) NATIONAL INTELLIGENCE DIRECTOR REPORT ON ENHANCEMENT OF NSA AND NGIA ACQUISITION AUTHORITIES.—Not later than one year after the date of the enactment of this Act, the National Intelligence Director shall—

(1) review—

(A) the acquisition authority of the Director of the National Security Agency; and

(B) the acquisition authority of the Director of the National Geospatial-Intelligence Agency; and

(2) submit to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report setting forth any recommended enhancements of the acquisition authorities of the Director of the National Security Agency and the Director of the National Geospatial-Intelligence Agency that the National Intelligence Director considers necessary.

(e) COMPTROLLER GENERAL REPORT ON ACQUISITION POLICIES AND PROCEDURES.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the extent to which the policies and procedures adopted for managing the acquisition of major systems for national intelligence purposes, as identified by the National Intelligence Director, are likely to result in successful cost, schedule, and performance outcomes.

SEC. 163. PERSONNEL MATTERS.

(a) IN GENERAL.—In addition to the authorities provided in section 114, 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. 164. 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''.

TITLE II—OTHER IMPROVEMENTS OF INTELLIGENCE ACTIVITIES

Subtitle A—Improvements of Intelligence Activities

SEC. 201. 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 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2005 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

(c) STUDY OF DISCLOSURE OF ADDITIONAL INFORMATION.—(1) The National Intelligence Director shall conduct a study to assess the advisability of disclosing to the public amounts as follows:

(A) The aggregate amount of appropriations requested in the budget of the President for each fiscal year for each element of the intelligence community.

(B) The aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for each fiscal year for each element of the intelligence community.

(2) The study under paragraph (1) shall—

(A) address whether or not the disclosure to the public of the information referred to in that paragraph would harm the national security of the United States; and

(B) take into specific account concerns relating to the disclosure of such information for each element of the intelligence community.

(3) Not later than 180 days after the effective date of this section, the Director shall submit to Congress a report on the study under paragraph (1).

SEC. 202. 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. 203. JOINT INTELLIGENCE COMMUNITY COUNCIL.

Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 101 the following new section:

''JOINT INTELLIGENCE COMMUNITY COUNCIL

''SEC. 101A. (a) JOINT INTELLIGENCE COMMUNITY COUNCIL.—There is a Joint Intelligence Community Council.

''(b) MEMBERSHIP.—The Joint Intelligence Community Council shall consist of the following:

''(1) The National Intelligence Director, who shall chair the Council.

''(2) The Secretary of State.

''(3) The Secretary of the Treasury.

''(4) The Secretary of Defense.

''(5) The Attorney General.

''(6) The Secretary of Energy.

''(7) The Secretary of Homeland Security.

''(8) Such other officers of the United States Government as the President may designate from time to time.

''(c) FUNCTIONS.—The Joint Intelligence Community Council shall assist the National Intelligence Director to in developing and implementing a joint, unified national intelligence effort to protect national security by—

''(1) advising the Director on establishing requirements, developing budgets, financial management, and monitoring and evaluating the performance of the intelligence community, and on such other matters as the Director may request; and

''(2) ensuring the timely execution of programs, policies, and directives established or developed by the Director.

''(d) MEETINGS.—The Joint Intelligence Community Council shall meet upon the request of the National Intelligence Director.''.

SEC. 204. 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, under Director Robert Mueller, 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) IMPROVEMENT OF INTELLIGENCE CAPABILITIES.—The Director of the Federal Bureau of Investigation shall continue efforts to improve the intelligence capabilities of the Federal Bureau of Investigation and to develop and maintain within the Bureau a national intelligence workforce.

(c) NATIONAL INTELLIGENCE WORKFORCE.—(1) In developing and maintaining a national intelligence 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 intelligence workforce consisting of agents, analysts, linguists, and surveillance specialists who are recruited, trained, and rewarded in a manner which ensures the existence within the Federal Bureau of Investigation an institutional culture with substantial expertise in, and commitment to, the intelligence mission 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 intelligence 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 intelligence matters.

(4) The Director shall—

(A) establish career positions in national intelligence matters for agents and analysts of the Bureau; 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 career 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 mission 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 direct supervisor of a Field Intelligence Group, and each Bureau Operational Manager at the Section Chief and Assistant Special Agent in Charge (ASAC) level and above, shall be a certified intelligence officer.

(8) The Director shall, to the maximum extent practicable, ensure that the successful discharge 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 intelligence 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 Intelligence Group reports directly to a field office senior manager responsible for intelligence 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 mission of the Bureau.

(3) The Director shall require that each Field Intelligence Group manager ensures 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) Criminal Enterprises/Federal Crimes.

(4) Criminal justice services.

(f) 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 shall include in each annual program review of the Federal Bureau of Investigation 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 12 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 12 months thereafter, the Director shall submit to Congress a report on the progress of the Bureau in implementing information-sharing principles.

SEC. 205. FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE CAREER SERVICE.

(a) SHORT TITLE.—This section may be cited as the ''Federal Bureau of Investigation Intelligence Career Service Authorization Act of 2005''.

(b) ESTABLISHMENT OF FEDERAL BUREAU OF INVESTIGATION INTELLIGENCE CAREER SERVICE.—

(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in consultation with the Director of the Office of Personnel Management—

(A) may establish positions for intelligence analysts, without regard to chapter 51 of title 5, United States Code;

(B) shall prescribe standards and procedures for establishing and classifying such positions; and

(C) may fix the rate of basic pay for such positions, without regard to subchapter III of chapter 53 of title 5, United States Code, if the rate of pay is not greater than the rate of basic pay payable for level IV of the Executive Schedule.

(2) LEVELS OF PERFORMANCE.—Any performance management system established for intelligence analysts shall have at least 1 level of performance above a retention standard.

(c) REPORTING REQUIREMENT.—Not less than 60 days before the date of the implementation of authorities authorized under this section, the Director of the Federal Bureau of Investigation shall submit an operating plan describing the Director's intended use of the authorities under this section to—

(1) the Committees on Appropriations of the Senate and the House of Representatives;

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

(3) the Committee on Government Reform of the House of Representatives;

(4) the congressional intelligence committees; and

(5) the Committees on the Judiciary of the Senate and the House of Representatives.

(d) ANNUAL REPORT.—Not later than December 31, 2005, and annually thereafter for 4 years, the Director of the Federal Bureau of Investigation shall submit an annual report of the use of the permanent authorities provided under this section during the preceding fiscal year to—

(1) the Committees on Appropriations of the Senate and the House of Representatives;

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

(3) the Committee on Government Reform of the House of Representatives;

(4) the congressional intelligence committees; and

(5) the Committees on the Judiciary of the Senate and the House of Representatives.

SEC. 206. INFORMATION SHARING.

(a) DEFINITIONS.—In this section:

(1) ADVISORY BOARD.—The term ''Advisory Board'' means the Advisory Board on Information Sharing established under subsection (i).

(2) EXECUTIVE COUNCIL.—The term ''Executive Council'' means the Executive Council on Information Sharing established under subsection (h).

(3) HOMELAND SECURITY INFORMATION.—The term ''homeland security 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) groups or individuals reasonably believed to be assisting or associated with such groups or individuals.

(4) NETWORK.—The term ''Network'' means the Information Sharing Network described under subsection (c).

(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. However, the United States Government has a weak system for processing and using the information it has.

(3) In the period preceding 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 over-classification 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 intelligence and homeland security 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 a trusted information network and secure information sharing environment to promote sharing of intelligence and homeland security information in a manner consistent with national security and the protection of privacy and civil liberties, and based on clearly defined and consistently applied policies and procedures, and valid investigative, analytical or operational requirements.

(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 among agencies, between levels of government, and, as appropriate, with the private sector;

(B) the sharing of information in a form and manner that facilitates its use in analysis, investigations and operations;

(C) building upon existing systems capabilities currently in use across the Government;

(D) utilizing industry best practices, including minimizing the centralization of data and seeking to use common tools and capabilities whenever possible;

(E) employing an information access management approach that controls access to data rather than to just networks;

(F) 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;

(G) providing directory services for locating people and information;

(H) incorporating protections for individuals' privacy and civil liberties;

(I) incorporating strong mechanisms for information security and privacy and civil liberties guideline enforcement in order to enhance accountability and facilitate oversight, including—

(i) multifactor authentication and access control;

(ii) strong encryption and data protection;

(iii) immutable audit capabilities;

(iv) automated policy enforcement;

(v) perpetual, automated screening for abuses of network and intrusions; and

(vi) uniform classification and handling procedures;

(J) compliance with requirements of applicable law and guidance with regard to the planning, design, acquisition, operation, and management of information systems; and

(K) permitting continuous system upgrades to benefit from advances in technology while preserving the integrity of stored data.

(d) IMMEDIATE ACTIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Executive Council, shall—

(1) submit to the President and to Congress a description of the technological, legal, and policy issues presented by the creation of the Network described in subsection (c), and the way in which these issues will be addressed;

(2) establish electronic directory services to assist in locating in the Federal Government intelligence and homeland security information and people with relevant knowledge about intelligence and homeland security information; and

(3) conduct a review of relevant current Federal agency capabilities, including—

(A) a baseline inventory of current Federal systems that contain intelligence or homeland security information;

(B) the money currently spent to maintain those systems; and

(C) identification of other information that should be included in the Network.

(e) GUIDELINES AND REQUIREMENTS.—As soon as possible, but in no event later than 180 days after the date of the enactment of this Act, the President shall—

(1) in consultation with the Executive Council—

(A) issue guidelines for acquiring, accessing, sharing, and using information, including guidelines to ensure that information is provided in its most shareable form, such as by separating out data from the sources and methods by which that data are obtained; and

(B) on classification policy and handling procedures across Federal agencies, including commonly accepted processing and access controls;

(2) in consultation with the Privacy and Civil Liberties Oversight Board established under section 211, 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; and

(3) require the heads of 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) ENTERPRISE ARCHITECTURE AND IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Director of Management and Budget shall submit to the President and to Congress an enterprise architecture and implementation plan for the Network. The enterprise architecture and implementation plan shall be prepared by the Director of Management and Budget, in consultation with the Executive Council, and shall include—

(1) a description of the parameters of the proposed Network, including functions, capabilities, and resources;

(2) a delineation of the roles of the Federal departments and agencies that will participate in the development of the Network, including 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), with the delineation of roles to be consistent with—

(A) the authority of the National Intelligence Director under this Act to set standards for information sharing and information technology throughout the intelligence community; and

(B) the authority of the Secretary of Homeland Security and the role of the Department of Homeland Security in coordinating with State, tribal, and local officials and the private sector;

(3) 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;

(4) an enterprise architecture that—

(A) is consistent with applicable laws and guidance with regard to planning, design, acquisition, operation, and management of information systems;

(B) will be used to guide and define the development and implementation of the Network; and

(C) addresses the existing and planned enterprise architectures of the departments and agencies participating in the Network;

(5) a description of how privacy and civil liberties will be protected throughout the design and implementation of the Network;

(6) objective, systemwide performance measures to enable the assessment of progress toward achieving full implementation of the Network;

(7) a plan, including a time line, for the development and phased implementation of the Network;

(8) total budget requirements to develop and implement the Network, including the estimated annual cost for each of the 5 years following the date of the enactment of this Act; and

(9) proposals for any legislation that the Director of Management and Budget determines necessary to implement the Network.

(g) DIRECTOR OF MANAGEMENT AND BUDGET RESPONSIBLE FOR INFORMATION SHARING ACROSS THE FEDERAL GOVERNMENT.—

(1) ADDITIONAL DUTIES AND RESPONSIBILITIES.—

(A) IN GENERAL.—The Director of Management and Budget, in consultation with the Executive Council, shall—

(i) implement and manage the Network;

(ii) develop and implement policies, procedures, guidelines, rules, and standards as appropriate to foster the development and proper operation of the Network; and

(iii) assist, monitor, and assess the implementation of the Network by Federal departments and agencies to ensure adequate progress, technological consistency and policy compliance; and regularly report the findings to the President and to Congress.

(B) CONTENT OF POLICIES, PROCEDURES, GUIDELINES, RULES, AND STANDARDS.—The policies, procedures, guidelines, rules, and standards under subparagraph (A)(ii) shall—

(i) take into account the varying missions and security requirements of agencies participating in the Network;

(ii) address development, implementation, and oversight of technical standards and requirements;

(iii) address and facilitate information sharing between and among departments and agencies of the intelligence community, the Department of Defense, the Homeland Security community and the law enforcement community;

(iv) address and facilitate information sharing between Federal departments and agencies and State, tribal and local governments;

(v) address and facilitate, as appropriate, information sharing between Federal departments and agencies and the private sector;

(vi) address and facilitate, as appropriate, information sharing between Federal departments and agencies with foreign partners and allies; and

(vii) ensure the protection of privacy and civil liberties.

(2) APPOINTMENT OF PRINCIPAL OFFICER.—Not later than 30 days after the date of the enactment of this Act, the Director of Management and Budget shall appoint, with approval of the President, a principal officer in the Office of Management and Budget whose primary responsibility shall be to carry out the day-to-day duties of the Director specified in this section. The officer shall report directly to the Director of Management and Budget, have the rank of a Deputy Director and shall be paid at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(h) EXECUTIVE COUNCIL ON INFORMATION SHARING.—

(1) ESTABLISHMENT.—There is established an Executive Council on Information Sharing that shall assist the Director of Management and Budget in the execution of the Director's duties under this Act concerning information sharing.

(2) MEMBERSHIP.—The members of the Executive Council shall be—

(A) the Director of Management and Budget, who shall serve as Chairman of the Executive Council;

(B) the Secretary of Homeland Security or his designee;

(C) the Secretary of Defense or his designee;

(D) the Attorney General or his designee;

(E) the Secretary of State or his designee;

(F) the Director of the Federal Bureau of Investigation or his designee;

(G) the National Intelligence Director or his designee;

(H) such other Federal officials as the President shall designate;

(I) representatives of State, tribal, and local governments, to be appointed by the President; and

(J) 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 Executive Council shall assist the Director of Management and Budget in—

(A) implementing and managing the Network;

(B) developing policies, procedures, guidelines, rules, and standards necessary to establish and implement the Network;

(C) ensuring there is coordination among departments and agencies participating in

the Network in the development and implementation of the Network;

(D) reviewing, on an ongoing basis, policies, procedures, guidelines, rules, and standards related to the implementation of the Network;

(E) establishing a dispute resolution process to resolve disagreements among departments and agencies about whether particular information should be shared and in what manner; and

(F) considering such reports as are submitted by the Advisory Board on Information Sharing under subsection (i)(2).

(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) REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of Management and Budget, in the capacity of Chair of the Executive Council, shall submit a report to the President and 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.

(6) INFORMING THE PUBLIC.—The Executive Council shall—

(A) make its reports to Congress available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(B) otherwise inform the public of its activities, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(i) ADVISORY BOARD ON INFORMATION SHARING.—

(1) ESTABLISHMENT.—There is established an Advisory Board on Information Sharing to advise the President and the Executive Council on policy, technical, and management issues related to the design and operation of the Network.

(2) RESPONSIBILITIES.—The Advisory Board shall advise the Executive Council on policy, technical, and management issues related to the design and operation of the Network. At the request of the Executive Council, or the Director of Management and Budget in the capacity as Chair of the Executive Council, or on its own initiative, the Advisory Board shall submit reports to the Executive Council concerning the findings and recommendations of the Advisory Board regarding the design and operation of the Network.

(3) MEMBERSHIP AND QUALIFICATIONS.—The Advisory Board shall be composed of no more than 15 members, to be appointed by the President from outside the Federal Government. The members of the Advisory Board shall have significant experience or expertise in policy, technical and operational matters, including issues of security, privacy, or civil liberties, and shall be selected solely on the basis of their professional qualifications, achievements, public stature and relevant experience.

(4) CHAIR.—The President shall designate one of the members of the Advisory Board to act as chair of the Advisory Board.

(5) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide administrative support for the Advisory Board.

(j) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and semiannually thereafter, the President through the Director of Management and Budget shall submit a report to Congress on the state of the Network and of information sharing across the Federal Government.

(2) CONTENT.—Each report under this subsection shall include—

(A) a progress report on the extent to which the Network has been implemented, including how the Network has fared on the government-wide and agency-specific performance measures and whether the performance goals set in the preceding year have been met;

(B) objective systemwide performance goals for the following year;

(C) an accounting of how much was spent on the Network in the preceding year;

(D) 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;

(E) 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;

(F) the extent to which unnecessary roadblocks, impediments, or disincentives to information sharing, including the inappropriate use of paper-only intelligence products and requirements for originator approval, have been eliminated;

(G) the extent to which positive incentives for information sharing have been implemented;

(H) the extent to which classified information is also made available through the Network, in whole or in part, in unclassified form;

(I) the extent to which State, tribal, and local officials—

(i) are participating in the Network;

(ii) have systems which have become integrated into the Network;

(iii) are providing as well as receiving information; and

(iv) are using the Network to communicate with each other;

(J) the extent to which—

(i) private sector data, including information from owners and operators of critical infrastructure, is incorporated in the Network; and

(ii) the private sector is both providing and receiving information;

(K) where private sector data has been used by the Government or has been incorporated into the Network—

(i) the measures taken to protect sensitive business information; and

(ii) where the data involves information about individuals, the measures taken to ensure the accuracy of such data;

(L) 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;

(M) an assessment of the Network's privacy and civil liberties protections, including actions taken in the preceding year to implement or enforce privacy and civil liberties protections and a report of complaints received about interference with an individual's privacy or civil liberties; and

(N) an assessment of the security protections of the Network.

(k) AGENCY RESPONSIBILITIES.—The head of each department or agency possessing or using intelligence or homeland security information or otherwise participating in the Network shall—

(1) ensure full department or agency compliance with information sharing policies, procedures, guidelines, rules, and standards established for the Network under subsections (c) and (g);

(2) ensure the provision of adequate resources for systems and activities supporting operation of and participation in the Network; and

(3) ensure full agency or department cooperation in the development of the Network and associated enterprise architecture to implement governmentwide information sharing, and in the management and acquisition of information technology consistent with applicable law.

(l) AGENCY PLANS AND REPORTS.—Each Federal department or agency that possesses or uses intelligence and homeland security information, operates a system in the Network or otherwise participates, or expects to participate, in the Network, shall submit to the Director of Management and Budget—

(1) not later than 1 year after the date of 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 or agency's information sharing efforts; and

(C) budgetary requirements to integrate the agency into the Network, including projected annual expenditures for each of the following 5 years following the submission of the report; and

(2) annually thereafter, reports including—

(A) an assessment of the progress of the department or agency in complying with the Network's requirements, including how well the agency has performed on the objective measures developed under paragraph (1)(B);

(B) the agency's expenditures to implement and comply with the Network's requirements in the preceding year; and

(C) the agency's or department's plans for further implementation of the Network in the year following the submission of the report.

(m) PERIODIC ASSESSMENTS.—

(1) COMPTROLLER GENERAL.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and periodically thereafter, the Comptroller General shall evaluate the implementation of the Network, both generally and, at the discretion of the Comptroller General, 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 the findings of the Comptroller General.

(B) INFORMATION AVAILABLE TO THE COMPTROLLER GENERAL.—Upon request by the Comptroller General, information relevant to an evaluation under subsection (a) shall be made available to the Comptroller General under section 716 of title 31, United States Code.

(C) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—If a record is not made available to the Comptroller General within a reasonable time, before the Comptroller General files a report under section 716(b)(1) of title 31, United States Code, the Comptroller General shall consult with the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives concerning the Comptroller's intent to file a report.

(2) INSPECTORS GENERAL.—The Inspector General in any Federal department or agency that possesses or uses intelligence or

homeland security 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.

(n) 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 implementation plan required by subsection (f).

Subtitle B—Privacy and Civil Liberties

SEC. 211. 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 subtitle 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 205(g);

(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 205(g);

(C) advise the President and the departments, agencies, and elements of the executive branch 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 department, agency, or element of the executive branch has explained—

(i) that the power actually materially enhances security;

(ii) that there is adequate supervision of the use by the executive branch of the power to ensure protection of privacy and civil liberties; and

(iii) that there are adequate guidelines and oversight to properly confine its use.

(2) OVERSIGHT.—The Board shall continually review—

(A) the regulations, policies, and procedures, and the implementation of the regulations, policies, and procedures, of the departments, agencies, and elements of the executive branch to ensure that privacy and civil liberties are protected;

(B) the information sharing practices of the departments, agencies, and elements of the executive branch to determine whether they appropriately protect privacy and civil liberties and adhere to the information sharing guidelines prescribed under section 205(g) 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—

(A) review and assess reports and other information from privacy officers and civil liberties officers described in section 212;

(B) when appropriate, make recommendations to such privacy officers and civil liberties officers regarding their activities; and

(C) when appropriate, coordinate the activities of such privacy officers and civil liberties officers on relevant interagency matters.

(4) TESTIMONY.—The Members of the Board shall appear and testify before Congress upon request.

(e) REPORTS.—

(1) IN GENERAL.—The Board shall—

(A) receive and review reports from privacy officers and civil liberties officers described in section 212; and

(B) periodically submit, not less than semiannually, reports—

(i)(I) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(II) to the President; and

(ii) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

(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 preceding 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—

(1) make its reports, including its reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(2) 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.

(g) ACCESS TO INFORMATION.—

(1) AUTHORIZATION.—If determined by the Board to be necessary to carry out its responsibilities under this section, the Board is authorized to—

(A) have access from any department, agency, or element of the executive branch, or any Federal officer or employee, to all relevant records, reports, audits, reviews, documents, papers, recommendations, or other relevant material, including classified information consistent with applicable law;

(B) interview, take statements from, or take public testimony from personnel of any department, agency, or element of the executive branch, or any Federal officer or employee;

(C) request information or assistance from any State, tribal, or local government; and

(D) require, by subpoena issued at the direction of a majority of the members of the Board, persons (other than departments, agencies, and elements of the executive branch) 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.

(3) AGENCY COOPERATION.—Whenever information or assistance requested under subparagraph (A) or (B) of paragraph (1) is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the head of the department, agency, or element concerned without delay. The head of the department, agency, or element concerned shall ensure that the Board is given access to the information, assistance, material, or personnel the Board determines to be necessary to carry out its functions.

(h) MEMBERSHIP.—

(1) MEMBERS.—The Board shall be composed of a full-time 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, expertise in civil liberties and privacy, and relevant experience, and without regard to political affiliation, but in no event shall more than 3 members of the Board be members of the same political party.

(3) INCOMPATIBLE OFFICE.—An individual appointed to the Board may not, while serving on the Board, be an elected official, officer, or employee of the Federal Government, other than in the capacity as a member of the Board.

(4) TERM.—Each member of the Board shall serve a term of six years, except that—

(A) a member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term;

(B) upon the expiration of the term of office of a member, the member shall continue to serve until the member's successor has been appointed and qualified, except that no member may serve under this subparagraph—

(i) for more than 60 days when Congress is in session unless a nomination to fill the vacancy shall have been submitted to the Senate; or

(ii) after the adjournment sine die of the session of the Senate in which such nomination is submitted; and

(C) the members initially appointed under this subsection shall serve terms of two, three, four, five, and six years, respectively,

from the effective date of this Act, with the term of each such member to be designated by the President.

(5) QUORUM AND MEETINGS.—After its initial meeting, the Board shall meet upon the call of the chairman or a majority of its members. Three members of the Board shall constitute a quorum.

(i) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) CHAIRMAN.—The chairman shall be compensated at the rate of pay payable for a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) MEMBERS.—Each member of the Board shall be compensated at a rate of pay payable 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 a full-time 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 departments, agencies, and elements of the executive branch 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.

(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.)).

SEC. 212. PRIVACY AND CIVIL LIBERTIES OFFICERS.

(a) DESIGNATION AND FUNCTIONS.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the National Intelligence Director, the Director of the Central Intelligence Agency, and the head of any other department, agency, or element of the executive branch 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 head of such department, agency, or element and other officials of such department, agency, or element 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, agency, or element actions, policies, procedures, guidelines, and related laws and their implementation to ensure that such department, agency, or element is adequately considering privacy and civil liberties in its actions;

(3) ensure that such department, agency, or element has adequate procedures to receive, investigate, respond to, and redress complaints from individuals who allege such department, agency, or element 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 such department, agency, or element has explained—

(i) that the power actually materially enhances security;

(ii) that there is adequate supervision of the use by such department, agency, or element of the power to ensure protection of privacy and civil liberties; and

(iii) that there are adequate guidelines and oversight to properly confine its use.

(b) EXCEPTION TO DESIGNATION AUTHORITY.—

(1) PRIVACY OFFICERS.—In any department, agency, or element referred to 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, agency, or element referred to 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 officer or civil liberties officer described in subsection (a) or (b) shall—

(1) report directly to the head of the department, agency, or element concerned; and

(2) coordinate their activities with the Inspector General of such department, agency, or element to avoid duplication of effort.

(d) AGENCY COOPERATION.—The head of each department, agency, or element shall ensure that each privacy officer and civil liberties officer—

(1) has the information, material, and resources necessary to fulfill the functions of such officer;

(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 functions of such officer.

(e) REPRISAL FOR MAKING COMPLAINT.—No action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to a privacy officer or civil liberties officer described in subsection (a) or (b), or to the Privacy and Civil Liberties Oversight Board, that indicates a possible violation of privacy protections or civil liberties in the administration of the programs and operations of the Federal Government relating to efforts to protect the Nation from terrorism shall be taken by any Federal employee in a position to take such action, 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.

(f) PERIODIC REPORTS.—

(1) IN GENERAL.—The privacy officers and civil liberties officers of each department, agency, or element referred to or described in subsection (a) or (b) shall periodically, but not less than quarterly, submit a report on the activities of such officers—

(A)(i) to the appropriate committees of Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives;

(ii) to the head of such department, agency, or element; and

(iii) to the Privacy and Civil Liberties Oversight Board; and

(B) which shall be in unclassified form to the greatest extent possible, with a classified annex where necessary.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include information on the discharge of each of the functions of the officer concerned, 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 department, agency, or element concerned for alleged violations; and

(D) a summary of the disposition of such complaints, the reviews and inquiries conducted, and the impact of the activities of such officer.

(g) INFORMING THE PUBLIC.—Each privacy officer and civil liberties officer shall—

(1) make the reports of such officer, including reports to Congress, available to the public to the greatest extent that is consistent with the protection of classified information and applicable law; and

(2) otherwise inform the public of the activities of such officer, as appropriate and in a manner consistent with the protection of classified information and applicable law.

(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or otherwise supplant any other authorities or responsibilities provided by law to privacy officers or civil liberties officers.

Subtitle C—Independence of Intelligence Agencies

SEC. 221. INDEPENDENCE OF NATIONAL INTELLIGENCE DIRECTOR.

(a) LOCATION OUTSIDE EXECUTIVE OFFICE OF THE PRESIDENT.—The National Intelligence Director shall not be located within the Executive Office of the President.

(b) PROVISION OF NATIONAL INTELLIGENCE.—The National Intelligence Director shall provide to the President and Congress national intelligence that is timely, objective, and independent of political considerations, and has not been shaped to serve policy goals.

SEC. 222. INDEPENDENCE OF INTELLIGENCE.

(a) DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—The Director of the National Counterterrorism Center shall provide to the President, Congress, and the National Intelligence Director national intelligence related to counterterrorism that is timely, objective, and independent of political considerations, and has not been shaped to serve policy goals.

(b) DIRECTORS OF NATIONAL INTELLIGENCE CENTERS.—Each Director of a national intelligence center established under section 144 shall provide to the President, Congress, and

the National Intelligence Director intelligence information that is timely, objective, and independent of political considerations, and has not been shaped to serve policy goals.

(c) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall ensure that intelligence produced by the Central Intelligence Agency is objective and independent of political considerations, and has not been shaped to serve policy goals.

(d) NATIONAL INTELLIGENCE COUNCIL.—The National Intelligence Council shall produce national intelligence estimates for the United States Government that are timely, objective, and independent of political considerations, and have not been shaped to serve policy goals.

SEC. 223. INDEPENDENCE OF NATIONAL COUNTERTERRORISM CENTER.

No officer, department, agency, or element of the executive branch shall have any authority to require the Director of the National Counterterrorism Center—

(1) to receive permission to testify before Congress; or

(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the United States for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments include a statement indicating that the views expressed therein are those of the agency submitting them and do not necessarily represent the views of the Administration.

SEC. 224. ACCESS OF CONGRESSIONAL COMMITTEES TO NATIONAL INTELLIGENCE.

(a) DOCUMENTS REQUIRED TO BE PROVIDED TO CONGRESSIONAL COMMITTEES.—The National Intelligence Director, the Director of the National Counterterrorism Center, and the Director of a national intelligence center shall provide to the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and any other committee of Congress with jurisdiction over the subject matter to which the information relates, all intelligence assessments, intelligence estimates, sense of intelligence community memoranda, and daily senior executive intelligence briefs, other than the Presidential Daily Brief and those reports prepared exclusively for the President.

(b) RESPONSE TO REQUESTS FROM CONGRESS REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in addition to providing material under subsection (a), the National Intelligence Director, the Director of the National Counterterrorism Center, or the Director of a national intelligence center shall, not later than 15 days after receiving a request for any intelligence assessment, report, or estimate or other intelligence information from the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, or any other committee of Congress with jurisdiction over the subject matter to which the information relates, make available to such committee such intelligence assessment, report, or estimate or other intelligence information.

(2) CERTAIN MEMBERS.—In addition to requests described in paragraph (1), the National Intelligence Director shall respond to requests from the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate and the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives. Upon making a request covered by this paragraph, the Chairman, Vice Chairman, or Ranking Member, as the case may be, of such committee shall notify the other of the Chairman, Vice Chairman, or Ranking Member, as the case may be, of such committee of such request.

(3) ASSERTIONS OF PRIVILEGE.—In response to requests described under paragraph (1) or (2), the National Intelligence Director, the Director of the National Counterterrorism Center, or the Director of a national intelligence center shall provide information, unless the President certifies that such information is not being provided because the President is asserting a privilege pursuant to the United States Constitution.

SEC. 225. COMMUNICATIONS WITH CONGRESS.

(a) DISCLOSURE OF CERTAIN INFORMATION AUTHORIZED.—

(1) IN GENERAL.—Employees of covered agencies and employees of contractors carrying out activities under classified contracts with covered agencies may disclose information described in paragraph (2) to the individuals referred to in paragraph (3) without first reporting such information to the appropriate Inspector General.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes provides direct and specific evidence of a false or inaccurate statement to Congress contained in, or withheld from Congress, any intelligence information material to, any intelligence assessment, report, or estimate, but does not apply to information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

(3) COVERED INDIVIDUALS.—

(A) IN GENERAL.—The individuals to whom information in paragraph (2) may be disclosed are—

(i) a Member of a committee of Congress having primary responsibility for oversight of a department, agency, or element of the United States Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

(ii) any other Member of Congress who is authorized to receive information of the type disclosed; and

(iii) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.

(B) PRESUMPTION OF NEED FOR INFORMATION.—An individual described in subparagraph (A) to whom information is disclosed under paragraph (2) shall be presumed to have a need to know such information.

(b) CONSTRUCTION WITH OTHER REPORTING REQUIREMENTS.—Nothing in this section may be construed to modify, alter, or otherwise affect—

(1) any reporting requirement relating to intelligence activities that arises under this Act, the National Security Act of 1947 (50 U.S.C. 401 et seq.), or any other provision of law; or

(2) the right of any employee of the United States Government to disclose to Congress in accordance with applicable law information not described in this section.

(c) COVERED AGENCIES DEFINED.—In this section, the term ''covered agencies'' means the following:

(1) The National Intelligence Authority, including the National Counterterrorism Center.

(2) The Central Intelligence Agency.

(3) The Defense Intelligence Agency.

(4) The National Geospatial-Intelligence Agency.

(5) The National Security Agency.

(6) The Federal Bureau of Investigation.

(7) Any other Executive agency, or element or unit thereof, determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities.

TITLE III—MODIFICATIONS OF LAWS RELATING TO INTELLIGENCE COMMUNITY MANAGEMENT

Subtitle A—Conforming and Other Amendments

SEC. 301. RESTATEMENT AND MODIFICATION OF BASIC AUTHORITY ON THE 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) 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(d).

''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) SUPERVISION.—The Director of the Central Intelligence Agency shall report to the National Intelligence Director regarding the activities of the Director of the Central Intelligence Agency.

''(c) DUTIES.—The Director of the Central Intelligence Agency shall—

''(1) serve as the head of the Central Intelligence Agency; and

''(2) carry out the responsibilities specified in subsection (d).

''(d) 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) provide overall direction for and coordination of the collection of national intelligence outside the United States through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other departments, agencies, or elements of the United States Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that appropriate account is taken of the risks to the United States and those involved in such collection; and

''(4) perform such other functions and duties pertaining to intelligence relating to the national security as the President or the National Intelligence Director may direct.

''(e) 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.

''(f) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the National Intelligence Director and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director of the Central Intelligence Agency 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.''.

(b) TRANSFORMATION OF CENTRAL INTELLIGENCE AGENCY.—The Director of the Central Intelligence Agency shall, in accordance with standards developed by the Director in consultation with the National Intelligence Director—

(1) enhance the analytic, human intelligence, and other capabilities of the Central Intelligence Agency;

(2) develop and maintain an effective language program within the Agency;

(3) emphasize the hiring of personnel of diverse backgrounds for purposes of improving the capabilities of the Agency;

(4) establish and maintain effective relationships between human intelligence and signals intelligence within the Agency at the operational level; and

(5) achieve a more effective balance within the Agency with respect to unilateral operations and liaison operations.

(c) REPORTS.—(1) Not later than 180 days after the effective date of this section, and annually thereafter, the Director of the Central Intelligence Agency shall submit to the National Intelligence Director and the congressional intelligence committees a report setting forth the following:

(A) A strategy for improving the conduct of analysis (including strategic analysis) by the Central Intelligence Agency, and the progress of the Agency in implementing the strategy.

(B) A strategy for improving the human intelligence and other capabilities of the Agency, and the progress of the Agency in implementing the strategy, including—

(i) the recruitment, training, equipping, and deployment of personnel required to address the current and projected threats to the national security of the United States during each of the 2-year, 5-year, and 10-year periods beginning on the date of such report, including personnel with the backgrounds, education, and experience necessary for ensuring a human intelligence capability adequate for such projected threats;

(ii) the achievement of a proper balance between unilateral operations and liaison operations;

(iii) the development of language capabilities (including the achievement of high standards in such capabilities by the use of financial incentives and other mechanisms);

(iv) the sound financial management of the Directorate of Operations; and

(v) the identification of other capabilities required to address the current and projected threats to the national security of the United States during each of the 2-year, 5-year, and 10-year periods beginning on the date of such report.

(C) In conjunction with the Director of the National Security Agency, a strategy for achieving integration between signals and human intelligence capabilities, and the progress in implementing the strategy.

(D) Metrics and milestones for measuring progress in the implementation of each such strategy.

(2)(A) The information in each report under paragraph (1) on the element of the strategy referred to in paragraph (1)(B)(i) shall identify the number and types of personnel required to implement the strategy during each period addressed in such report, include a plan for the recruitment, training, equipping, and deployment of such personal, and set forth an estimate of the costs of such activities.

(B) If as of the date of a report under paragraph (1), a proper balance does not exist between unilateral operations and liaison operations, such report shall set forth the steps to be taken to achieve such balance.

(C) The information in each report under paragraph (1) on the element of the strategy referred to in paragraph (1)(B)(v) shall identify the other capabilities required to implement the strategy during each period addressed in such report, include a plan for developing such capabilities, and set forth an estimate of the costs of such activities.

SEC. 302. 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)).

(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)(2) (50 U.S.C. 414(a)(2)).

(CC) Section 504(a)(3)(C) (50 U.S.C. 414(a)(3)(C)).

(DD) Section 504(d)(2) (50 U.S.C. 414(d)(2)).

(EE) Section 506A(a)(1) (50 U.S.C. 415a–1(a)(1)).

(FF) Section 603(a) (50 U.S.C. 423(a)).

(GG) Section 702(a)(1) (50 U.S.C. 432(a)(1)).

(HH) Section 702(a)(6)(B)(viii) (50 U.S.C. 432(a)(6)(B)(viii)).

(II) Section 702(b)(1) (50 U.S.C. 432(b)(1)), both places it appears.

(JJ) Section 703(a)(1) (50 U.S.C. 432a(a)(1)).

(KK) Section 703(a)(6)(B)(viii) (50 U.S.C. 432a(a)(6)(B)(viii)).

(LL) Section 703(b)(1) (50 U.S.C. 432a(b)(1)), both places it appears.

(MM) Section 704(a)(1) (50 U.S.C. 432b(a)(1)).

(NN) Section 704(f)(2)(H) (50 U.S.C. 432b(f)(2)(H)).

(OO) Section 704(g)(1)) (50 U.S.C. 432b(g)(1)), both places it appears.

(PP) Section 1001(a) (50 U.S.C. 441g(a)).

(QQ) Section 1102(a)(1) (50 U.S.C. 442a(a)(1)).

(RR) Section 1102(b)(1) (50 U.S.C. 442a(b)(1)).

(SS) Section 1102(c)(1) (50 U.S.C. 442a(c)(1)).

(TT) 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 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''.

(6) 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) Section 1 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a) is amended—

(A) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively; and

(B) 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''.

(2) That Act (50 U.S.C. 403a et seq.) is further 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.

(3) 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)).

(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(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) 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''.

(C) 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. 303. 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 ''Principal 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 112(a)(11) of the National Intelligence Reform 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 Principal Deputy National Intelligence Director, or, with respect to employees of the Central Intelligence Agency, to the Director of the Central Intelligence Agency''.

(4) Section 504(a)(2) of that Act (50 U.S.C. 414(a)(2)) is amended by striking ''Reserve for Contingencies of the Central Intelligence Agency'' and inserting ''Reserve for Contingencies of the National Intelligence Director''.

(5) 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''.

(6) 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 the Central Intelligence Agency, or the Office of the National Intelligence Director''.

(7) 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 AGENCY 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 112(a)(11) of the National Intelligence Reform 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 112(a)(11) of the National Intelligence Reform Act of 2004 that the National Intelligence Director''.

(d) INTELLIGENCE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 107–306.—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 112(a)(11) of the National Intelligence Reform Act of 2004''.

(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 ''Principal Deputy National Intelligence Director''; and

(B) in subsection (h)(2)(C), by striking ''Assistant Director'' and inserting ''Principal Deputy National Intelligence Director''.

SEC. 304. MODIFICATIONS OF FOREIGN INTELLIGENCE AND COUNTERINTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by striking ''or foreign persons, or international terrorist activities'' and inserting ''foreign persons, or international terrorists''; and

(2) in paragraph (3), by striking ''or foreign persons, or international terrorist activities'' and inserting ''foreign persons, or international terrorists''.

SEC. 305. 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 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. 306. REDESIGNATION OF NATIONAL FOREIGN INTELLIGENCE PROGRAM AS NATIONAL INTELLIGENCE PROGRAM.

(a) REDESIGNATION.—Section 3 of the National Security Act of 1947 (50 U.S.C. 401a), as amended by this Act, is further amended—

(1) by striking paragraph (6); and

(2) by redesignating paragraph (7) as paragraph (6).

(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 to read as follows:

''RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL INTELLIGENCE PROGRAM''.

(2) The heading of section 506 of that Act is amended to read as follows:

''SPECIFICITY OF NATIONAL INTELLIGENCE PROGRAM BUDGET AMOUNTS FOR COUNTERTERRORISM, COUNTERPROLIFERATION, COUNTERNARCOTICS, AND COUNTERINTELLIGENCE''.

SEC. 307. CONFORMING AMENDMENT ON COORDINATION OF BUDGETS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY WITHIN THE DEPARTMENT OF DEFENSE.

Section 105(a)(1) of the National Security Act of 1947 (50 U.S.C. 403–5(a)(1)) is amended by striking ''ensure'' and inserting ''assist the Director in ensuring''.

SEC. 308. 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. 309. CLERICAL AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.

The table of contents for the National Security Act of 1947 is amended—

(1) by inserting after the item relating to section 101 the following new item:

''Sec. 101A. Joint Intelligence Community Council.'';

(2) 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.'';

(3) 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.'';

(4) 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

(5) 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. 310. MODIFICATION OF AUTHORITIES RELATING TO NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) APPOINTMENT OF NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—Subsection (a)(2) of section 902 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 116 Stat. 2432; 50 U.S.C. 402b) is amended by striking ''Director of Central Intelligence'' and inserting ''National Intelligence Director, and Director of the Central Intelligence Agency''.

(b) COMPONENT OF OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—Such section is further amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) COMPONENT OF OFFICE OF NATIONAL INTELLIGENCE DIRECTOR.—The National Counterintelligence Executive is a component of the Office of the National Intelligence Director under subtitle C of the National Intelligence Reform Act of 2004.''.

(c) DUTIES.—Subsection (d) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following new paragraph:

''(5) To perform such other duties as may be provided under section 131(b) of the National Intelligence Reform Act of 2004.''.

(d) OFFICE OF NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—Section 904 of the Counterintelligence Enhancement Act of 2002 (116 Stat. 2434; 50 U.S.C. 402c) is amended—

(1) by striking ''Office of the Director of Central Intelligence'' each place it appears in subsections (c) and (l)(1) and inserting ''Office of the National Intelligence Director'';

(2) by striking ''Director of Central Intelligence'' each place it appears in subsections (e)(4), (e)(5), (h)(1), and (h)(2) and inserting ''National Intelligence Director''; and

(3) in subsection (m), by striking ''Director of Central Intelligence'' and inserting ''National Intelligence Director, the Director of the Central Intelligence Agency''.

SEC. 311. 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, an employee of an entity other than the Authority who is assigned or detailed to the 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 141(h)(5) of the National Intelligence Reform Act of 2004.''.

SEC. 312. CONFORMING AMENDMENT RELATING TO CHIEF FINANCIAL OFFICER OF THE NATIONAL INTELLIGENCE AUTHORITY.

Section 901(b)(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(Q) The National Intelligence Authority.''.

Subtitle B—Transfers and Terminations

SEC. 321. TRANSFER OF OFFICE OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the staff of the Office of the Deputy Director of Central Intelligence for Community Management as of the date of the enactment of this Act, including all functions and activities discharged by the Office of the Deputy Director of Central Intelligence for Community Management as of that date.

(b) ADMINISTRATION.—The National Intelligence Director shall administer the staff of the Office of the Deputy Director of Central Intelligence for Community Management after the date of the enactment of this Act as a component of the Office of the National Intelligence Director under section 121(d).

SEC. 322. TRANSFER OF NATIONAL COUNTERTERRORISM EXECUTIVE.

(a) TRANSFER.—There shall be transferred to the Office of the National Intelligence Director the National Counterintelligence Executive and the Office of the National Counterintelligence Executive under the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402b et seq.), as amended by section 309 of this Act, including all functions and activities discharged by the National Counterintelligence Executive and the Office of the National Counterintelligence Executive as of the date of the enactment of this Act.

(b) ADMINISTRATION.—The National Intelligence Director shall treat the National Counterintelligence Executive, and administer the Office of the National Counterintelligence Executive, after the date of the enactment of this Act as components of the Office of the National Intelligence Director under section 121(c).

SEC. 323. 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 143(g)(2).

SEC. 324. TERMINATION OF CERTAIN POSITIONS WITHIN THE CENTRAL INTELLIGENCE AGENCY.

(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 Deputy Director of Central Intelligence for Community Management.

(2) The Assistant Director of Central Intelligence for Collection.

(3) The Assistant Director of Central Intelligence for Analysis and Production.

(4) The Assistant Director of Central Intelligence for Administration.

Subtitle C—Other Transition Matters

SEC. 331. 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—

(1) by striking the item relating to the Director of Central Intelligence; and

(2) by adding at the end the following new items:

''Deputy National Intelligence Directors (5).

''Director 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:

''Director of the Central Intelligence Agency.''.

(d) 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. 332. 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 Act.

SEC. 333. REORGANIZATION.

(a) REORGANIZATION.—The National Intelligence Director may, with the approval of the President and after consultation with the department, agency, or element concerned, allocate or reallocate functions among the officers of the National Intelligence Program, and may establish, consolidate, alter, or discontinue organizational units within the Program, but only after providing notice of such action to Congress, which shall include an explanation of the rationale for the action.

(b) LIMITATION.—The authority under subsection (a) does not extend to any action inconsistent with law.

(c) CONGRESSIONAL REVIEW.—An action may be taken under the authority under subsection (a) only with the approval of the following:

(1) Each of the congressional intelligence committees.

(2) Each of the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

SEC. 334. NATIONAL INTELLIGENCE DIRECTOR 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 Act, including the amendments made by this Act. 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.

SEC. 335. COMPTROLLER GENERAL REPORTS ON IMPLEMENTATION OF INTELLIGENCE COMMUNITY REFORM.

(a) REPORTS.—(1) Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a comprehensive report on the implementation of this Act and the amendments made by this Act.

(2) The Comptroller General may submit to Congress at any time during the two-year period beginning on the date of the enactment of this Act, such reports on the progress made in the implementation of this Act and the amendments made by this Act as the Comptroller General considers appropriate.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) The assessment of the Comptroller General of the progress made in the implementation of this Act (and the amendments made by this Act) as of the date of such report.

(2) A description of any delays or other shortfalls in the implementation of this Act that have been identified by the Comptroller General.

(3) Any recommendations for additional legislative or administrative action that the Comptroller General considers appropriate.

(c) AGENCY COOPERATION.—Each department, agency, and element of the United States Government shall cooperate with the Comptroller General in the assessment of the implementation of this Act, and shall provide the Comptroller General timely and complete access to relevant documents in accordance with section 716 of title 31, United States Code.

SEC. 336. 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) OFFICE OF THE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT.—Any reference to the Office of the Deputy Director of Central Intelligence for Community Management in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the staff of such office within the Office of the National Intelligence Director under section 121.

Subtitle D—Effective Date

SEC. 341. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall take effect 180 days after the date of the enactment of this Act.

(b) EARLIER EFFECTIVE DATE.—In order to ensure the rapid implementation of this Act while simultaneously ensuring a smooth transition that will safeguard the national security of the United States, the President may provide that this Act (including the amendments made by this Act), or one or more particular provisions of this Act (including the amendments made by such provision or provisions), shall take effect on such date that is earlier than the date otherwise provided under subsection (a) as the President shall specify.

(c) NOTIFICATION OF EFFECTIVE DATES.—If the President exercises the authority in subsection (b), the President shall—

(1) notify Congress of the exercise of such authority; and

(2) publish in the Federal Register notice of the earlier effective date or dates involved, including each provision (and amendment) covered by such earlier effective date.

Subtitle E—Other Matters

SEC. 351. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those to which such provision is held invalid, shall not be affected thereby.

SEC. 352. AUTHORIZATION OF APPROPRIATIONS.

There are specifically authorized to be appropriated for fiscal year 2005 such sums as may be necessary to carry out this Act and the amendments made by this Act.

TITLE IV—INFORMATION SHARING

SEC. 401. 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 V—CONGRESSIONAL REFORM

SEC. 501. 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. 502. 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 VI—PRESIDENTIAL TRANSITION

SEC. 601. 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 601(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 CONGRESS REGARDING EXPEDITED CONSIDERATION OF NATIONAL SECURITY NOMINEES.—It is the sense of Congress 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 VII—THE ROLE OF DIPLOMACY, FOREIGN AID, AND THE MILITARY IN THE WAR ON TERRORISM

SEC. 701. 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. 702. 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. 703. 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. 704. 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. 705. 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. 706. 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. 707. 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. 708. 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. 709. 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. 710. 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. 711. 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. 712. 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. 713. 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. 714. 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. 715. 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 VIII—TERRORIST TRAVEL AND EFFECTIVE SCREENING

SEC. 801. 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. 802. 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 806;

(B) develop plans for, and begin implementation of, a single program for registered travelers to expedite travel across the border, as required under section 803(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 803 and other existing authorities;

(D) centralize the ''no-fly'' and ''automatic-selectee'' lists, making use of improved terrorists watch lists, as required by section 903;

(E) develop plans, in consultation with other relevant agencies, for the sharing of terrorist information with trusted governments, as required by section 805;

(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 803(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 803, 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. 803. 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. 804. 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. 805. 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. 806. 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 IX—TRANSPORTATION SECURITY

SEC. 901. 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. 902. 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. 903. 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. 904. 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 X—NATIONAL PREPAREDNESS

SEC. 1001. 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. 1002. 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. 1003. 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. 1004. 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. 1005. 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. 1006. 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 1005, 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 1005, 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. 1007. 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. 1008. 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 XI—PROTECTION OF CIVIL LIBERTIES

SEC. 1011. 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 401(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 401(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 401(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 1012 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 1012; 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. 1012. 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.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, in my district on September 11, 122 of our friends and neighbors never returned home from work, never returned to their families. The smoking ruins of the Twin Towers were visible for all of my community to see and, to this day, their absence is still felt every time we look across the Hudson River and see the void where the Towers once stood. So the events of that day are very personal to us. We are reminded of them always.

This debate is the most important debate that will be held during the entire 108th Congress: how do we respond to the unanimous, bipartisan recommendations of the 9/11 Commission in protecting this Nation and helping prevent future terrorist attacks from occurring?

Over 3 years after that fateful September 11 day, my amendment is based upon the work of the 9/11 Commission and an inquiry that spanned 20 months, 19 days of hearings, 160 witnesses, the review of 2.5 million documents, and interviews of more than 1,200 individuals in 10 countries. The new structure proposed in this amendment is based upon a rock-solid foundation of inquiry and information.

Under Governor Kean and Congressman Hamilton, the bipartisan Commission unanimously made 41 recommendations to strengthen our country against terrorists. Those recommendations were for sweeping changes to our government, our intelligence community, and to how oversight is provided by Congress. The two they have called the most urgent; that is, the most time-sensitive to act on: a strong National Intelligence Director, and a National Counterterrorism Center, form the centerpiece of the Menendez substitute we consider here today. That is why the 9/11 Commissioners and organizations that represent the 9/11 families such as the family steering committee for the 9/11 Commission all support the McCain-Lieberman-Collins combination legislation that this substitute embodies.

The gentleman from Connecticut (Mr. SHAYS) and other Republicans wrote asking that the Shays-Maloney amendment be made in order. The Committee on Rules, I would argue, did so by making the Menendez substitute in order. And, after a 96-to-2 vote yesterday in the Senate on legislation very substantively as this substitute, the principles and provisions of this amendment are also supported by both Senate Republicans and Senate and House Democrats.

Unfortunately, the House Republican bill, H.R. 10, leaves out many of the bipartisan recommendations of the 9/11 Commission. In fact, out of the 41 recommendations, it appears that only 11 are implemented, 15 are not implemented at all, and 15 others are done so incompletely.

H.R. 10 also includes provisions that are unrelated to the bill's stated purpose: reorganizing the intelligence community and strengthening the Nation against terrorist attacks. In doing so, over 50 extraneous provisions were included that go well beyond the Commission's recommendations.

Like the 9/11 Commission's recommendations, the Menendez substitute creates a strong national intelligence director with real budgetary

and personnel authority. Unfortunately, the House Republican bill creates a weak NID with no budget authority and limited personnel authority.

Like the 9/11 Commission's recommendations, the Menendez substitute creates a strong National Counterterrorism Center headed by a strong director appointed by the President, confirmed by the Senate. Unfortunately, the House Republican bill creates a weak NCTC without a presidentially-appointed director.

Like the 9/11 Commission's recommendations, the Menendez substitute strengthens the nonproliferation programs that keep nuclear material out of the hands of terrorists. Unfortunately, the Republican bill only calls for a study into the matter.

Like the 9/11 Commission's recommendations, the Menendez substitute requires vulnerability assessments and security plans for our critical infrastructure, including our ports, chemical plants, and public transportation systems. Unfortunately, the House Republican bill makes no effort to address these issues.

Like the 9/11 Commission recommendations, the Menendez substitute authorizes new money to protect the United States by taking real action to secure the peace in Afghanistan, the home of the Taliban, al Qaeda, and Osama bin Laden. Unfortunately, the House Republican bill only asks for new reports.

My constituents and all Americans expect us to do everything we can to defeat terrorism, not to do a third of what is necessary or half of what is necessary or even three-quarters of what is necessary. We need to use, we have a responsibility to use every tool we have.

The facts are clear. Our proposal implements the Commission's recommendations. The Republican bill implements only 11 of the recommendations in full, partially implementing another 15. That is just not good enough. America needs a complete and total strategy to fight this enemy, not a partial one like the Republican bill gives us. America requires and deserves better than that, and that is why I ask my colleagues to support the Menendez substitute and the 9/11 Commission's report.

Mr. Chairman, I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, I rise in strong opposition to the Menendez substitute.

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) is recognized to control 30 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, while there may be some provisions in the Menendez substitute that are worthy of discussion during conference, I still rise in opposition to his amendment.

Our review of the Commission's report was performed with a seriousness and a deliberation that is worthy of the subject and the task. The preparatory effort included full committee hearings, scores of briefings by the administration and others on the range of issues, the input of many experts, and days and weeks of effort devoted to gathering the requisite information. From this, we developed what we believe are measures necessary to give form and meaning to the often diaphanous wording of each of the Commission's recommendations that fell within our committee's jurisdiction.

The Menendez substitute offers little more than a mere restatement of the Commission's recommendations, and the unspoken premise that difficult problems can be easily solved by the simple expedient of throwing money at them. We have no shortage of examples of government programs where this approach not only failed, but actually rendered our problems worse. Here, the greatest danger stems from the complacency that will result from our merely having increased spending while congratulating ourselves for having taken swift action.

Instead, as authors of H.R. 10, we crafted practical solutions to fulfill the recommendations. We took abstract report recommendations such as, ''offer an example of moral leadership, commit to treat people humanely, abide by the rule of law,'' and we made them concrete.

Taken in its totality, H.R. 10 is a far superior product because it reflects the concerted and consolidated efforts of several committees and lays out direct, specific policy guidance on how to confront these evils.

The Senate may have voted to pass a similar measure to the Menendez substitute, but this is our chance to vote for something better, more concrete.

I urge a no vote on the Menendez substitute amendment.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader of the House of Representatives.

Ms. PELOSI. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time, and for his extraordinary leadership in bringing this substitute to the floor.

Mr. Chairman, the credentials of the gentleman from New Jersey (Mr. MENENDEZ) are unsurpassed in this body. In the previous Congress, following the 9/11 attack, and even before that, he served as the Chair of the Homeland Security Task Force for the House Democrats. He serves on the Committee on Transportation and Infrastructure, and he serves on the Committee on International Relations, in senior positions on both committees. So when we speak about protecting our homeland, our waterways, our ports, our rivers, our whatever, he knows of what he speaks. And when he talks about taking the fight against terrorism into Afghanistan and other diplomatic initiatives, sitting on the Committee on International Relations, he knows of what he speaks.

But perhaps the saddest, let us say the saddest learning experience he has had in this regard was the loss of over 100 of his constituents on September 11, 2001. So it is with great pride, I say to the gentleman, that I rise to support the gentleman's substitute. It is an informed substitute, it is based on bipartisanship, the bipartisanship of the Commission and the bipartisanship of the Senate, as it is a reflection of two of the bills that were put together in the Senate.

Following 9/11, Mr. Chairman, the Congress called for a joint inquiry of what happened then.

□ 2200

As a ranking member on the Permanent Select Committee on Intelligence, at the time I served as a co-chair of that, and before we started our proceedings, our inquiry, which was conducted in a bipartisan manner, for most of the time, but before we began, we said that we must have a moment of silence before we began. It was both a deeply felt approach to it because we all wanted to pray for the families who had been harmed, who had lost their loved ones in 9/11; but also it represented the inadequacy of any words that we could ever have to express sympathy or condolence to those families. No words could possibly be adequate.

We resolved as we proceeded that we were on hallowed grounds. Anything to do with 9/11 was hallowed grounds. There was no place there for partisan politics. There was only room there for the U.S. to honor the memory of those who lost their lives; to pledge to the families that we would find the terrorists and bring them to justice who were responsible for this heinous crime; to make sure that we protected the American people so that acts of terrorism would not occur in this country; and to give comfort to those families that we were doing everything possible to achieve those goals.

The work that we did on that committee was largely ignored, and many of us thought that there should be an independent commission to bring fresh eyes to the challenges that we faced with a broader mandate; hence, the 9/11 commission was born. And the members of that commission understood that there was no place for partisanship on that hallowed ground that they now occupied, and they knew the responsibility that they undertook. The commission was reviewing the failures associated with 9/11 and suggesting ways to correct them.

Under the leadership of Chairman Kean and Vice Chairman Hamilton, the commission acted in a very bipartisan and thoughtful way to accomplish its assignment. By persistence, dedication, and an unshakable belief in the importance of its task, the commission overcame every obstacle, and on July 22

provided us with a unanimous bipartisan blue print for action. Our entire Nation is in their debt.

The 9/11 families and the commission then looked to Congress to enact their recommendations into law. The 9/11 families had reason to be proud that their advocacy was effective, when last night the Senate adopted by 96 to 2 a bipartisan bill that meets the challenge for reform laid down by the commission and needed by our country.

We have an opportunity to do the same thing by adopting the substitute advanced by the gentleman from New Jersey (Mr. MENENDEZ) whose district like so many others across our country bore such pain and sorrow on September 11. The Menendez substitute is a merger of the legislation introduced on September 7 by Senator MCCAIN and Senator LIEBERMAN and the bill authored by Senator COLLINS and Senator LIEBERMAN that was reported by the Senate Government Affairs Committee.

These bills were endorsed by the 9/11 Commission and by the 9/11 families groups as being faithful to the commission's recommendation, and they were bipartisan from day one.

The Republican leadership bill, H.R. 10, on the other hand, implements fully only 25 percent of the commission's recommendations as opposed to the Menendez bill which is a reflection of the commission's recommendations. Having waited for more than 3 years to take action, why would the House want to adopt a bill which falls so short of the reforms identified as urgently necessary and adopted unanimously by the bipartisan commission and by the Senate?

Our country has tremendous unmet needs in the area of homeland security. Securing nuclear materials overseas before they fall into the hands of the terrorists and could do us harm; improving security on our airports, our ports, and our rail lines; ensuring that our first responders can communicate effectively in real time; and protecting our critical infrastructure have not been given the priorities they deserve in H.R. 10. We are not as safe as we could be.

Our first responsibility as elected officials is to protect the American people. Making the right choices on legislation to implement the 9/11 Commission recommendations is one of the ways that we can meet that responsibility. The right choice today is the Menendez substitute that will bring us closest to the bill adopted 96 to 2 in the Senate, facilitate a rapid conference, and enable legislation to be signed by the President quickly.

Mr. Chairman, on September 11, 2001, the United States was the victim, as we all know, of some of the most horrific attacks in our history. Today is 1,121 days later. This House is finally being given the opportunity to consider a comprehensive legislative response to those attacks. It took over 3 years.

When the 9/11 Commission issued its report on July 22, it did so with a sense of urgency. Having delayed so long in taking action, it is critical that we get it right and that we get it right now. A vote for the Menendez substitute will honor the work of the commission, will respect the wishes of the families, and will make the American people safer.

I urge my colleagues to support the Menendez substitute.

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I thank the chairman for his hard work.

Having participated as our committees worked hard through August and September to produce the bipartisan composites and component of H.R. 10, I rise today in strong opposition to the Menendez amendment. We have considered the ideas contained in the gentleman's amendment, the gentleman's substitute, and rejected them. The amendment goes too far in some areas and not far enough in others.

The Menendez amendment seeks to declassify the U.S. intelligence budget. This action will have a very specific impact on our national security. It will guarantee that Americans will be more vulnerable. It simply is not logical to think that providing the terrorists with information about our intelligence priorities will make anyone safer. In fact, the impact would be just the opposite.

Today our adversaries spend a great deal of resources and time and devote vast amounts of their efforts trying to estimate just how much Americans spend on intelligence activities. Why should we want to hand our Nation's classifieds information, its most important security blue print, to the very people that we fight to keep it from?

This substitute ignores the 9/11 Commission's call to secure our borders. Does anyone believe America will be safer if the government does not require secure documents for people crossing our borders? Are we safer with a bill that does not provide any additional resources for our overtaxed border patrol? Are we safer with a bill that allows foreign terrorists, murderers, rapists, and kidnappers to abuse the antiquated laws and be released into our community?

Under this bill, if people come to this country we know they have committed crimes in other countries but they have not committed them here. We do not want to send them back to those other countries because we are prohibited from doing that; we have to simply let them wander around in the United States. That cannot be the best results for a secure America.

Those provisions, the security of our borders, protects all who live within our borders, those who are born here, those who sought America out searching for a better life for themselves and their families. If we want real security and real reform, we need to oppose this substitute and move this bill forward to get this job done.

Mr. MENENDEZ. Mr. Chairman, I yield myself 30 seconds.

Our substitute does exactly what the 9/11 commission said was necessary to secure the borders of the United States, and all of this fear-mongering to suggest that the substitute would permit foreign terrorists to be allowed to stay does a disservice both to the commission and to those who have worked so hard to bring this type of legislation to the floor. Secondly, the question about throwing money around is not an issue. When you have no money for nonproliferation, when you have no money for homeland security, when you do not deal with any of the commission's report language as it relates to money, you are failing the American people.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), the distinguished ranking Democrat on the Permanent Select Committee on Intelligence who has done so much work even prior to the commission's report.

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, a number of speakers have commented on the courage and sacrifice of intelligence community personnel who work in the shadows in austere lands. As we debate this bill, their lives are at risk and we owe them and their families our heartfelt thanks and total support.

We also owe them better tools, including an organization that equips them to meet 21st-century threats. We are using a 1947 business model designed to defeat an enemy that no longer exists.

It is time, Mr. Chairman, way past time for change. And this debate needs to focus on what change will truly help our intelligence community transition to the capabilities necessary to meet 21st-century threats.

When you think about that, and you compare H.R. 10 to the Menendez substitute, a substitute which is battle-tested, which passed the other body 96 to 2 just last night with every single Republican voting for it, there is absolutely no contest. The Menendez substitute is much stronger, much better, and much more bipartisan than H.R. 10.

The accusations made against the Menendez substitute can all be rebutted, and we will do that tonight. It does a better job of controlling our borders. It does a better job of protecting the civil liberties of Americans. It does a better job of targeting terrorists while protecting the rights of innocent immigrants.

I urge strong support for the Menendez substitute and would hope that H.R. 10 will be viewed as the partisan offering that it sadly is.

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), a strong partner in developing H.R. 10, an individual who fully understands that this bill needs to protect our war fighters and be able to provide the strategic information to our policymakers.

Mr. HUNTER. Mr. Chairman, if you have friends or relatives or just people you care about who wear the uniform of the United States who are in war fighting in Iraq and Afghanistan, and they are going out on a mission tonight or tomorrow and there are communications that affect that mission, directions from headquarters, plans, operations, those will probably go through your communications.

Now, these assurances of those secure communications reside in a little shop that is in what is known as the National Signals Agency. That is one of the agencies that Mr. MENENDEZ's amendment would pull away from the Department of Defense. Now, that agency right now is responsible to the Secretary of Defense, to the uniformed personnel who run those military operations, whose people have their lives on the line and depend on those communications.

Can you imagine a military operation where the people that are running the operation, that is the U.S. military, do not have the resourcing and the control over their own communications line?

I remember one of the arguments that is going on right now is who shot down Yamamoto, and we still have an argument over which American pilot shot him down after we had broken their code and sent out a squad of aircraft to shoot down the leader of the Japanese Navy. That is because we broke their communications.

The security of communications is important as having a weapon that works. And inadvertently, Mr. MENENDEZ's amendment pulls away and they probably do not even know this, so you cannot blame the gentleman from New Jersey (Mr. MENENDEZ) because he copied probably what somebody else in the other body put down, and they did not realize what they were doing. They have pulled away by definition from the Department of Defense and the uniformed people who serve this country the control over their own communication and the resourcing of their own communications. They pull that away in their bill.

Now, interestingly, the 9/11 reports says do not do that. It only has one small paragraph on that. I am turning to page 412. It says, ''The Department of Defense military intelligence programs, the joint military intelligence programs and the tactical intelligence programs will remain parts of the Department of Defense's responsibilities.''

□ 2215

That is one tiny paragraph, and yet because they missed that and they pulled this particular function away from the people that wear the uniform, they have committed a deadly mistake.

This amendment is full of deadly mistakes, deadly mistakes that the author does not even know about because he simply copied what somebody else put down.

Let me finally say, Mr. Chairman, that what we have serves this great partnership of the people that wear the uniform and the CIA. Let us maintain that partnership. Let us pass this bill without the amendment.

Mr. MENENDEZ. Mr. Chairman, I yield myself 15 seconds.

A deadly mistake is the number of recommendations the 9/11 Commission put forth that are not included in H.R. 10, and as it relates to declassifying the top line budget, that vote was 55 to 37 in the Senate, with people like JOHN MCCAIN, CHUCK HAGEL and TRENT LOTT voting for it. I do not think they want to risk the danger of American troops. So I think that makes imminent sense that people like that support that amendment.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. WAXMAN), the distinguished ranking Democrat on the Committee on Government Reform.

Mr. WAXMAN. Mr. Chairman, I rise in strong support of the substitute amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The Republican bill is fundamentally flawed. There are 41 recommendations made by the 9/11 Commission, but the Republican bill implements only 11. Instead of implementing the 9/11 Commission recommendations, the Republican bill includes 50 extraneous provisions, many of them poison pills.

There is a better way and it is this substitute. The substitute is bipartisan. It implements all of the recommendations made by the 9/11 Commission, not just 11 of the 41 recommendations, and it includes no poison pills.

I want to point out to my colleagues, the substitute has the support of the 9/11 Commission and the family steering committee of the victims from 9/11. It has the support of Senate Republicans, Senate Democrats, House Democrats and President Bush.

As we consider this legislation, let us remember the loss of the families of the 9/11 victims. These family members have found strength through their terrible losses. We have a moral obligation to pass legislation that honors the sacrifices that they have made. That is why we need to pass the substitute.

But Members who are watching and the public who are paying attention to this issue may want to take note of the fact that when Congress voted to set up the September 11 Commission, so far all of the Republicans that have talked against the Menendez substitute, not a single one of them voted for the Commission in the first place. A number of them, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from California (Mr. HUNTER), the gentleman from Illinois (Mr. HYDE) voted against setting up the Commission.

Well, Congress voted to set up that Commission. They worked hard, and they unanimously recommended we adopt what is the Menendez substitute.

Mr. HOEKSTRA. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I just wanted to go through a few more of the deadly mistakes that the Menendez substitute does in contravention of what the Commission said.

They take away from the military, military communications. They take away intelligence information on an adversary's communication. They take away defense cryptology. They take away warnings of impending military action against U.S. interests. They take away joint operational planning and execution. All because they ignored those particular teams that are hosted by the National Signals Agency. That was crayon legislation.

Mr. HOEKSTRA. Mr. Chairman, I yield 4 minutes to the gentleman Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, it is a great opportunity to engage in this very important discussion. Because I intended to be part of this debate this evening, I looked through the Constitution again this afternoon, as I do from time to time, and I learned once again that the Constitution says that the Congress shall raise the armies and the navies and provide for the Nation's security.

The Members of this Congress that have put together H.R. 10 have spent their careers in Congress working on issues of importance to our Nation's security and in the creation of the most effective military and security operation in the entire world. We have the best military in the entire world, and the very people who are responsible for making that happen also are the creators of H.R. 10. I am proud to have been a part of that work, and they worked hard, many days and many nights.

While I am speaking of the Constitution, the Menendez amendment, in my opinion, yields the constitutional requirement of the Congress, yields it, to the 9/11 Commission. The 9/11 Commission, they worked hard, but I checked the Constitution. I did not find anything in the Constitution about the 9/11 Commission.

One of the issues that concerns me seriously in the Menendez amendment is the decision to have the authorizers also be the appropriators. The chairman of the House Permanent Select Committee on Intelligence said he does not want that, and there is a good reason for that. This has been tried before where authorizers would actually be the appropriators.

The reason we have the two different organizations is simply this. The authorizers set the policy. They determine what will be the policy of the United States of America and whatever the issue is. The appropriators deal with the budgetary aspects of that work. We know that the budgetary, the appropriations business must be completed or the agencies shut down. The policy workers can go on and on for months, even years beyond their allotted time and still not have an adverse affect on the operation of this great Nation.

What concerns me is that if we give the authorizing committees also appropriating responsibilities they will, of necessity, spend most of their time dealing with the appropriations, the budgetary aspects, and leaving the policy-making to wan.

This is not a good idea to pass this Menendez amendment, and I realize he worked hard and I realize that he is promoting basically what the 9/11 Commission has recommended. But we were elected to function under the Constitution, to provide for the security of this Nation. I would say to my colleagues, as much respect as I have for the members of the 9/11 Commission and as hard as they worked to come up with some ideas that were actually pretty good, they are not the depository of all wisdom when it comes to providing for the security of our Nation.

As I said, those who were involved in the creation of H.R. 10 have spent a career in this Congress creating and providing for the most effective, the best military operation in the entire world, the best that the world has ever seen.

So I ask for a ''no'' vote on the Menendez amendment and a strong ''yes'' vote for H.R. 10.

Mr. MENENDEZ. Mr. Chairman, I would like to ask the Chair how much time remains on both sides.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from New Jersey (Mr. MENENDEZ) has 19 minutes remaining. The gentleman from Michigan (Mr. HOEKSTRA) has 17 minutes remaining.

Mr. MENENDEZ. Mr. Chairman, I yield 25 seconds to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, in response to two of the claims just made, number one, the defense communications budget and the defense information security budget are not part of the National Foreign Intelligence program. Only the NFIB will be managed by the NID, as it is today by the DCI. So those budgets will not be covered.

Secondly, the Menendez substitute does not address the reorganization of Congress. It does not collapse the appropriations authority into the authorizing committee. That does not happen under this substitute.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER), the distinguished ranking Democrat on the Select Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

The 9/11 Commission said very clearly that to win the war on terror, we had to pursue three strategies simultaneously. We had to go after the terrorists more aggressively; we have to protect the homeland; and thirdly, we have to prevent the rise of future terrorists. Any legislation that purports to deal with the 9/11 Commission recommendations must have meaningful provisions in all three of these areas.

The 9/11 Commission had 41 recommendations. If we look at H.R. 10, 15 of the recommendations of the Commission are not implemented at all. Fifteen of the recommendations of the Commission in H.R. 10 are dealt with only partially. Eleven of the recommendations are implemented in H.R. 10.

The truth of the matter is some of the most critical elements for our security are not dealt with in H.R. 10. We did more to dismantle and to put into control loose nuke material in the 2 years prior to 9/11 than we have in the 2 years since 9/11. Our bill, the Menendez substitute, deals meaningfully with trying to control loose nuclear material.

H.R. 10 simply says we are going to study it. We have studied it to death. If the greatest threat to our security is a nuclear weapon in the hands of terrorists, one would think that H.R. 10 would deal meaningfully with that threat.

H.R. 10 does not deal with the critical issue of information sharing. We need to be able to know that a border patrol inspector or a law enforcement officer, when they have a suspected terrorist in front of them, they have access in real-time to all the government databases that share intelligence and have intelligence relating to terrorists.

We know we need to involve the private sector. Eighty-five percent of all infrastructure is in private hands, and yet H.R. 10 does not deal with a private sector preparedness program. That is dealt with in the Menendez substitute.

The truth of the matter, Mr. Chairman, is that we have got to do better. We have got to be stronger than we are in H.R. 10, and I urge the adoption of the Menendez substitute.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

When a bill is cobbled together at the last minute, sometimes even the authors do not know what is in it. I advise my colleagues to take a look at section 502 that talks of reorganization of congressional jurisdiction. It is part of the bill, page 145.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS), an expert on government reorganization, the chairman of the Committee on Government Reform.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I want to join my colleagues in strong opposition to the Menendez amendment. Quite simply, the substitute provides fewer safeguards against another 9/11. Rather than participating in the legislative process by offering constructive amendments during the House debate, the minority has unfortunately chosen to simply cobble together various provisions from H.R. 10 and various incarnations of Senate legislation and repackage them as the Democratic position on homeland security. The resulting package is a scattered jumble of proposals that do not fit into cohesive strategy for protecting the homeland.

On the issue of driver's license security, for example. Two conflicting deadlines for compliance by the States are established: the first deadline being 2 years from the promulgation of minimum standards; the second deadline is to be established by the Secretary of Homeland Security.

In contrast, the language of H.R. 10 is strong and clear, exactly what this landmark legislation needs.

Additionally, the Menendez amendment is replete with the kind of layered bureaucracy we took great pains to avoid in H.R. 10. Our aim was a nimble, flexible, flat structure that could improve intelligence gathering and analysis. The substitute amendment, by contrast, is loaded with a chief information officer, a chief human capital officer, a chief financial officer, an out-of-control Inspector General, a comptroller, an ombudsman, multiple privacy officers, and a civil liberties board with unlimited subpoena power. Our bill is about better government. The substitute is about bigger government.

Equally troubling to our committee in particular is the fact that such basic necessities as personnel and acquisition authorities have been scattered throughout the amendment with different and conflicting authorities being haphazardly assigned to different officials within the NID. Our committee specializes in agency organizational matters. That is what we do day in and day out. The substitute's organizational structure is no way to set up a new entity, and I urge opposition to the Menendez amendment.

□ 2230

Mr. MENENDEZ. Mr. Chairman, I yield myself 10 seconds.

Fewer safeguards to protect America than the unanimous bipartisan recommendations of the 9/11 Commission? That is outrageous. Are we saying the bipartisan 9/11 Commission, with a unanimous vote of 51 Republican Senators and 96 Senators actually voted to reduce the safeguards to America? I do not think so.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), someone who fought for his country, someone who has enormous experience in the national security and defense of the United States, and who is the ranking Democrat on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me this time. Let us put some common sense into this piece of legislation, if we may.

You are about to see an attempt to mix oil and water legislatively. We see that the Senate passed 96 to 2 the recommendations of the Commission, the 9/11 Commission. The White House recommended and urged such a passage. The family victims organization of 9/11 has recommended that. And we see in this H.R. 10 a diversion from the only hearing that we had, which was by the chairman and vice chairman of the 9/11 Commission, and I thought they explained their situation well.

I would like to read from a statement of administration policy from the Executive Office of the President. Three pages of concerns regarding the base bill that we have, H.R. 10. And in those three pages of concern it says ''The administration is concerned that H.R. 10 does not provide the National Intelligence Director sufficient authorities to manage the intelligence community effectively.''

I thought we had a sense of urgency about this. As a result of the 9/11 Commission and recommendations, a sense of urgency had come over our Congress, I thought; over our country, I thought. And yet we see this bill, should it pass, H.R. 10, should it pass, you will see it mixed in conference with the Senate like oil and water. And I predict this will very well end up in the legislative graveyard, sadly.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

It was stated earlier that the President supports the Menendez amendment. That is inaccurate. The administration supports House passage of H.R. 10.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LEWIS), another individual who gets his facts right.

Mr. LEWIS of California. Mr. Chairman, regretfully, I rise in very strong opposition to the Menendez amendment, for this substitute does not reflect the real word that we must deal with when we are trying to make certain that our intelligence activities positively affect our men and women who have their lives threatened overseas.

The Menendez amendment is similar to H.R. 10, but includes a number of provisions that are unacceptable or at least should be to this House. Probably one of the most troubling aspects of the amendment before us is the provision that would call for the disclosure of the aggregate level of funding provided to the intelligence community.

Mr. Chairman, I would ask my colleague, the gentleman from New Jersey (Mr. MENENDEZ), to please tell us what the logic is behind disclosing to our enemies the top line of our intelligence budget? I am not worried about what the Senate may say or suggest, I am not sure they thought through what this might mean. But what is the logic behind our disclosing to our enemies the top line of our intelligence work? Who can it serve in terms of America's interests to disclose those top lines?

The September 28, 20004, statement of administrative policy states clearly that ''legislation should not compel disclosure, including the Nation's enemies in war, of the amounts requested by the President and provided by the Congress for the conduct of the Nation's intelligence activities.''

H.R. 10 retains a classified intelligence budget. It is absolutely in the American interest, our public interest, our military interest to make certain that those top lines are not disclosed. If the gentleman would not depend upon the Senate, I would like to hear the gentleman's logic behind disclosure of those top lines. Indeed, it is fundamental to the future security of our troops to make certain our intelligence programs are kept within the interest of those troops who are defending us overseas.

If the gentleman would like to respond specifically to that, perhaps I could understand better why he would take these steps.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. First, in 1997 and 1998, we disclosed the top line and we did not risk the national security of the United States.

Mr. LEWIS of California. Who did?

Mr. MENENDEZ. The American people have the right to know how much that collective amount is. It does not tell us where we divide that money, covert, overt, and for what other purposes.

And I would say that the other body overwhelmingly voted for the disclosure.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I asked the gentleman who disclosed the amount?

Mr. MENENDEZ. In 1997 and 1998.

Mr. LEWIS of California. But who disclosed the amount?

Mr. MENENDEZ. The other body just voted that.

Mr. LEWIS of California. Reclaiming my time once again, Mr. Chairman, I am not certain the gentleman has been in the intelligence rooms. If he has disclosed that, then he is in violation of the rules.

Mr. MENENDEZ. Mr. Chairman, I yield myself 1 minute.

As a trial attorney, I know what to do when you do not have the facts and the law on your side. You bang on the table and try to create confusion. That is what the other side is trying to do here because they have left us less secure in H.R. 10.

We heard a lot about flip-flopping lately. Well, the administration put out a statement of policy saying the administration supports the Collins-Lieberman bill, and went on specifically to say that they would oppose weakening the NID, exactly what H.R. 10 does.

My colleagues are going against what the President wants. Now the President comes out, after he supports the Senate version, and says, well, I support H.R. 10, but then he has three pages of exceptions to H.R. 10 that he does not like in your bill and thinks that you make America less secure by virtue of what is in the bill.

So you cannot have it every which way. Either the President is for the 9/11 Commission or he is not. Either he is for McCain-Collins-Lieberman or he is not.

Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), who has worked tirelessly on the task force on Homeland Security for House Democrats and worked with the gentleman from Connecticut (Mr. SHAYS) on what, in essence, is the Menendez proposal.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the bipartisan substitute. This substitute is identical to the substitute that the gentleman from Connecticut (Mr. SHAYS) and I offered but was not made in order. This substitute is almost identical to the bill that passed the Senate yesterday with a strong vote of 96 to 2. All 51 Republicans voted yes to bringing overdue reform to our intelligence network.

Right after 9/11, this body came together and we worked together as Americans, not as partisans. We need to come together again tonight and pass the bipartisan 9/11 Commission substitute, a bill we could have on the President's desk tomorrow.

Unlike the underlying bill, this substitute adopts all of the recommendations and nothing else, and that is why the bipartisan substitute has the support of the 9/11 Commission, the 9/11 Family Steering Committee members, and editorial boards across this Nation. They have written in favor of the Collins-Lieberman bill, upon which the substitute is based, and against the House leadership's controversial bill, which is strikingly different from the 9/11 Commission report on many key points.

Mr. Chairman, the President of the United States agrees. Just tonight the White House released a statement on this bill, and they said, and I quote, ''the National Intelligence Director should have full budget authority.'' The substitute does give full budget authority. H.R. 10 does not.

The administration also strongly opposes the, and I quote ''overbroad expansion of expedited removal authorities.'' The administration has concerns with the overbroad alien identification standards proposed by the bill, and I quote, ''that are unrelated to security concerns.'' The administration strongly opposes section 3032, the so-called outsourcing of torture provision. And it goes on and on. They are opposed to Title V, inconsistent with President's constitutional authority.

In fact, H.R. 10 is so problematic that the White House ran out of room talking about provisions they did not like. They ended their letter by saying, and I quote, ''Finally, the administration has concerns with a number of other provisions in this bill.''

So, my colleagues, the choice is clear. Pass a bill that even makes the White House queasy, or pass the substitute that enacts the recommendations of the 9/11 Commission.

Mr. Chairman, the 9/11 families wrote, ''We believe the 9/11 substitute is the best choice for certain and quick legislation to make our country safe. We respectfully ask you to put politics aside and act in the best interest of America. Vote for the 9/11 substitute.''

And on a personal note, my city was attacked, and I urge my colleagues to support the bipartisan substitute. It will make our country safer.

Mr. Chairman, I would like to end with the full letter of the 9/11 victims' families, which I will submit for the RECORD, along with editorials in support of the bipartisan bill.

Newspapers across the country have editorialized in favor of the Senate's bipartisan legislation—and against the House Republican leadership's divisive approach, including the New York Times, the Washington Post, the Baltimore Sun, the Miami Herald, the Albuquerque Journal, Milwaukee Journal Sentinel, Orlando Sentinel, and the Rocky Mountain News.

Here are some selected quotes:

"House Republicans are already trying to turnt this week's debate into a pre-election brawl aimed more at scoring phony patriotic points than at passing meaningful laws. . . . Congress cannot escape its duty to finally repair the institutional failures that left the country so vulnerable before 9/11 and so wrong before the invasion of Iraq."—NY Times, Sep. 27

"The House of Representatives' version of intelligence reform might be dismissed as an election-year stunt were it not so dangerous. . . .

"Playing politics with intelligence reform should not be worth the potential damage."—Washington Post, Oct. 5

"House Speaker Dennis Hastert and Majority Leader Tom DeLay have been in no rush, yielding, it appears, to the status quo forces in Washington that stand to lose power and influence if sweeping changes are adopted."—Baltimore Sun, Oct. 5

"Instead of focusing on the nuts and bolts of intelligence reform, legislators are debating wholly extraneous issues that will contribute little or nothing to making our country safer."—Miami Herald, Oct. 4

"House Republicans should avoid hanging apple-related riders on legislation addressing oranges when it comes to implementing 9/11 Commission recommendations."—Albuquerque Journal, Oct. 2

"Legislative sabotage such as this is hardly unusual in political Washington, and most of the time the damage is not intolerable. This time, however, it is."—Milwaukee Journal Sentinel, Sep. 30

"The House proposal is a weak, partisan plan that perpetuates too much of the discredited status quo in intelligence—Orlando Sentinel

VOTE FOR THE 9/11 SUBSTITUTE

DEAR MEMBER OF CONGRESS, As 9/11 family members we ask our Congress to vote in a bipartisan way on the 9/11 substitute, which most closely follows the core recommendations of the 9/11 Commission. This substitute is based on the bipartisan legislation offered in the Senate by Senators COLLINS, LIEBERMAN and MCCAIN. It is endorsed by the 9/11 Commission and the President.

You have a choice today. You can vote for H.R. 10 or the 9/11 Substitute. We believe the 9/11 substitute is the superior vehicle for effective change without delay. A vote for the substitute will quickly send a bill to the President's desk for signature. The path of H.R. 10 is far less certain.

The 9/11 Families demand a clean, bipartisan bill that is true to the core recommendations of the 9/11 Commission. We believe the 9/11 substitute is the best choice for certain and quick legislation to make our country safe. We respectively ask you to put politics aside and act in the best interest of America. Vote for the 9/11 substitute!

THE 9/11 FAMILIES.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume to note that CRS has identified provisions of H.R. 10 that are relevant or respond to 39 of the 41 recommendations of the 9/11 Commission.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), the distinguished member of the Permanent Select Committee on Intelligence who spent an enormous amount of time working on these kind of issues, understanding the issues that face both our troops and our policymakers in this area.

(Mr. LAHOOD asked and was given permission to revise and extend his remarks.)

Mr. LAHOOD. Mr. Chairman, I rise in strong opposition to the Menendez amendment.

Mr. Chairman, I have been on the floor almost all day speaking on the rule, and speaking during consideration of the bill during general debate. This amendment seeks to create an information technology network of immense proportions but without significant resources and no logical or direct correlation to what actually would be needed to share information properly.

The amendment overregulates the design of the network, it creates excessive reporting requirements and truly unrealistic implementation deadlines. The amendment would also create several layers of new bureaucracy, which is something that I have been speaking out about all day.

No more bureaucracy. No more red tape. No more stovepipes. And that is what this creates. It would create a new bureaucratic advisory and executive board, which will prevent the rapid creation of a true information-sharing environment.

The information-sharing provisions of the Menendez amendment will not achieve the intent of the 9/11 Commission. In fact, they will serve to confuse and prevent the needed changes. We do not need any more bureaucracy. We do not need any more stovepipes.

In fairness to the people who work 24–7, in dark places in the world, this amendment had no consultation with the community, with those that are charged with the responsibility of collecting and analyzing information. This amendment is terribly flawed and would create the kind of stovepipe and bureaucracy the 9/11 Commission railed against. It would do no good in terms of our ability to really create the kind of opportunity that is needed to win the war on terror.

□ 2245

Mr. MENENDEZ. Mr. Chairman, I yield myself 15 seconds to simply say if the gentleman is concerned about bureaucracy, then he needs to read the statement of administration policy that says, "The administration remains concerned about a series of provisions in H.R. 10 that create new bureaucratic structures and layers in the office of the NID and elsewhere that would hinder, not help, the effort to strengthen U.S. intelligence capabilities."

Mr. Chairman, I yield 20 seconds to the gentlewoman from California (Ms. HARMAN) to deal with some of the questions that have been raised here.

Ms. HARMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, the gentleman from California (Mr. LEWIS) has raised concerns about providing information to the enemy by declassifying the top line of the budget. In the 9/11 Commission report it says, "When even aggregate categorical numbers remain hidden, it is hard to judge priorities and foster accountability. The top line figure by itself provides little insight into U.S. intelligence sources and methods." It was passed in the other body 55 to 37, overwhelmingly supported by Republican Senators.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ENGEL), a senior member of the Committee on International Relations.

Mr. ENGEL. I thank the gentleman for yielding me this time.

Mr. Chairman, on 9/11, 2001, my city was attacked. And then a remarkable thing happened. The 9/11 Commission was formed with five Democrats and five Republicans, and they unanimously made a series of recommendations. That showed true bipartisanship. The other body also showed true bipartisanship when it came up with a bill that was passed again almost unanimously.

But here, unfortunately, we have not seen bipartisanship. Democrats have essentially been shut out of the process once again, something that we have seen too frequently; and this bill before us does not implement most of the 9/11 Commission recommendations. The Menendez substitute before us does implement most of the recommendations of the 9/11 Commission. Intelligence should not be a Democratic issue or a Republican issue, but an American issue.

In the underlying bill, there are some good things in the bill. There are some troubling things in the bill. But on the whole, the Menendez substitute is by far the better bill. It is bipartisan, implementing the 9/11 Commission.

Vote for the Menendez substitute.

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

In the rules process, our colleagues on the other side of the aisle were not shut out. They did not show up. They only offered one amendment. No other amendments. All their amendments were accepted and made in order.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Chairman, let me just respond to a couple of things that have been said. One of the previous speakers mentioned that we have a 1947 business model when it comes to our intelligence community. That may be true for the CIA, it may be true for certain civilian intelligence-gathering agencies, but it is not true for the military, the defense intelligence agencies. We had a certain type of information-gathering system prior to 1990. The Soviet Union went away and our military intelligence changed because it had to change. The collection system changed to keep up with the changing threat. The changing threat today is terrorism and other kinds of threats. Back then it was a conventional threat carried out by the Soviet Union. Our military intelligence has changed. It is a modern-day intelligence collecting system that we are trying our best tonight here to protect.

Secondly, the notion that the top line was disclosed in the past is completely false. It was never disclosed in the past. We have always kept secret the amount of money, the resources that we spend on intelligence collecting. The Menendez amendment discloses this information which we believe is a tremendous mistake. Further, this is not the 9/11 Commission report that they are putting forth. The 9/11 Commission report was amended 81 times by the Senate. Eighty-one times. They criticize us for offering our views after they amended it 81 times.

Mr. Chairman, this is a good bill. It should stand the way it is.

Mr. MENENDEZ. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS) who has offered and is embodied in our substitute, in essence the 9/11 Commission's report.

Mr. SHAYS. I thank the gentleman for yielding me this time.

Mr. Chairman, I have been in public life 30 years, and I was sitting in my office thinking, I am not sure I want to participate in this debate because I am seeing people on both sides of the aisle for whom I have such tremendous respect wrestling with this issue; but it is not a good feeling on the House floor, and I cannot describe why.

I was hoping that when we were going to debate the recommendations of the 9/11 Commission that we would have an effort from day one to include both sides of the aisle. I felt from that process we would have a bill that we would be proud of. It did not seem to work out that way. For me, I have chaired the National Security subcommittee now for 6 years. When I took it over in 1998, we began in 1999, we rewrote the rules so that we would look at terrorism at home and abroad. What we did is we had 19 hearings before September 11, and we had three commissions that came before us and all three commissions, the Bremer Commission, the Hart-Rudman Commission, the Gilmore Commission, they all said the same thing: we have a serious terrorist threat; we need to have an assessment of that threat; we need to have a strategy to deal with it and we need to reorganize our government so that we can implement the strategy. And we did not really pay attention to it. We had committees of cognizance that should have been.

Then we had this horrible tragedy and we responded. I think we responded in the right way. We did not establish the 9/11 Commission right away. What we did is we just said, Republicans and Democrats, what do we do about it? While there has been criticism of the PATRIOT Act, I think it was vital. We reorganized our government and we did it, I think, ultimately in a bipartisan way. I think we have made our country safer.

And then, and it made so much sense, what we did is we said, let's find out what the heck happened. It was very clear. We let down the American people. I have many constituents who lost loved ones, and I think every day how sorry I am for our failure in this Chamber. I have constituents who spoke with their loved ones for an hour trying to help them get out of a building. We all know those tragedies. But in the end we had this commission, and this commission was partisan at first and then when they started to write what happened and they looked and they described what happened on that day, five Republicans and five Democrats became one. That is what I was hoping would happen on the floor tonight, and it is not happening. But I think it will.

I am going to vote for the Menendez amendment because I think it is truer to the commission's objectives. If it fails, I am going to be voting to pass out H.R. 10 because I believe that eventually Republicans and Democrats in this Chamber are going to find common ground like the Senate found, and I believe the President is going to have a bill to sign, and I think we are ultimately going to be proud of the product.

But I support the gentleman's amendment. I appreciate that he has brought it out. I appreciate that it was made in order because it is truly more reflective of what the commission suggested. If there are problems with one aspect of it, like releasing the top line, those are things that we clearly can deal with in conference. But the way we set this debate, a major substitute, just an hour, yes, it is going to be hard to come to a conclusion that any of us are satisfied with.

The commission did their work so well. I am so proud of them. I think their work was sacred, and I think that we deserve and they deserve to have this legislation moved forward.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, the Menendez amendment claims to be comprehensive in its approach toward border security. Let me read directly from the commission report:

"It is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country. Yet prior to September 11, while there were efforts to enhance border security, no agency of the U.S. Government thought of border security as a tool in the counterterrorism arsenal. Indeed, even after 19 hijackers demonstrated the relative ease of obtaining a U.S. visa and gaining admission into the United States, border security is still not considered a cornerstone of national security policy. We believe that it must be made one."

Yet the Menendez amendment is eerily silent on this issue. How can we possibly suggest that there is any way that we can think of their amendment as comprehensive in terms of border security and security of this Nation when it does not address this fundamental idea that was placed in the 9/11 Commission report?

The only way you can think about this is that it is pandering for votes in light of the fact that we should actually be thinking about national security, not thinking about votes.

Mr. HOEKSTRA. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman for his excellent work on this legislation. I would like to speak as the chairman of the Select Committee on Homeland Security about portions of this legislation, H.R. 10, with which our committee has been very, very closely concerned and portions of this substitute which lack those same elements.

First, the 9/11 Commission in their report recommended that Congress "should pass legislation to remedy the longstanding indemnification and liability impediments to the provision of public safety and mutual aid in the national capital region and, where applicable, throughout the Nation." H.R. 10, the 9/11 Recommendations Implementation Act, includes these very provisions just as the 9/11 Commission recommended.

We ease the liability problems for first responders crossing jurisdictional boundaries so they do not need to worry they will be subject to some other liability regime when they help out in time of need. The Menendez bill ironically limits this liability relief to the capital here, but it does not do anything for the rest of the Nation as the 9/11 Commission recommended. It does not even do anything for the author's home State of New Jersey. If New Jersey first responders were to go into New York City and help out, they would not have the liability relief that the 9/11 Commission recommended that they have. First responders from across the country have endorsed the first responder provisions in H.R. 10.

The commission, the 9/11 Commission, recommended that moneys be allocated to State and local governments on the basis of threat and on the basis of risk. That is exactly what H.R. 10 does. But the Menendez substitute does not require the Secretary of Homeland Security to prioritize applications on the basis of risk. It does not require States to prioritize the allocation of their grant awards to localities on the basis of risk.

The Menendez substitute does not guarantee first responders a voice in establishing terrorism preparedness benchmarks that will guide spending. H.R. 10, on the other hand, has a task force comprised of first responders themselves.

The Menendez substitute does not identify either permitted or prohibited use for first responder grant awards, and it does not provide any penalties for failing to get money to first responders on time. H.R. 10 has strict penalties for failing to get funds to their intended destination, the men and women on the front lines, within 45 days. For that reason, all of the major first responder groups, including the International Association of Firefighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the Fraternal Order of Police, the Major Cities Chiefs Association, and the National Sheriffs Association have endorsed the Faster and Smarter Funding For First Responders Act included in this legislation. The Menendez bill is not supported by any first responder group.

Let us reject the Menendez substitute and enact H.R. 10.

□ 2300

Mr. MENENDEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from California (Chairman COX) just made a statement, but his committee reported out a bill that contained a historic $3.4 billion commitment to first responders. Was that provision included in H.R. 10? The answer is no. Let us look at some of what the 9/11 commissioners have said: ''The Senate bill is a giant step forward'' and ''the right vehicle for our recommendations.'' That incredible vote on a bipartisan basis in the Senate is the basis of the Menendez substitute. Lee Hamilton said, ''The House bill contains a number of proposals that go beyond the commission's recommendations'' and could very well, in essence, affect the nature of getting a bill done in the 108th Congress.

The statement of the Family Steering Committee, in support of Shays-Maloney, as we have heard, which is, in essence, the Menendez substitute, said, ''If House Members present H.R. 10 for vote rather than a choice that includes H.R. 5150 legislation, enacting the 9/11 Commission reforms may be doomed.''

Let me try to take away all the obfuscation, and, by the way, about not submitting amendments, it was our statement that we sought on the greatest issue to face this country, the national security of the United States and how one responds to the September 11 Commission report, we asked for an open rule. An open rule would have let any Member of the House work its way and have the House's will work its way in front of the American people about what were the best ideas with the 9/11 Commission's report as a foundation to best secure America. But that open rule was not presented. So we would have had all the amendments that may have perfected.

There has been a lot of obfuscation here about what the Menendez substitute does and does not do. Let us make it clear once again. It is the 9/11 Commission report. It is the Collins-Lieberman-McCain legislation. It is what passed in the Senate 96 to 2 with over 51 Republican Senators and such a bipartisan support. It is, in essence, the real reform.

There are a lot of reasons why people do not want to seek reform. There are a lot of turf issues. People do not want to give up their abilities. But the only turf we should be fighting for is our collective turf as a country, and that is what this institution should be doing.

Let me just go through some of the critical issues. Like the 9/11 Commission recommendations, the Menendez substitute creates a strong National Intelligence Director. They do not.

Like the 9/11 Commission recommendations, our substitute creates a strong National counterterrorism Center. They do not.

Like the 9/11 Commission recommendations, the Menendez substitute mandates strengthening the Nunn-Lugar programs against nuclear nonproliferation. They do not.

Like the 9/11 Commission recommendations, our substitute mandates the creation of long-term strategies to win the struggle for ideas in the Muslim world. Theirs do not.

Like the 9/11 Commission recommendations, the Menendez substitute provides for much more extensive U.S. efforts in Afghanistan, including authorizing an additional $2.8 billion to win the war in what is the central part of terror. Theirs does not.

Like the 9/11 Commission recommendations, our substitute requires the Transportation Security Administration to improve explosive detection capabilities. Theirs does not.

Like the 9/11 Commission recommendations, our substitute replaces the current patchwork of border screening systems with an integrated screening system with one set of standards far beyond what they do. Like the 9/11 Commission recommendations, our substitute creates a government-wide Civil Liberties Oversight Board to review the use of intelligence powers and act as a watchdog. Theirs does not.

I urge the 25 colleagues on the other side of the aisle who voted for the 9/11 Commission to now have the same vision and courage and vote for this substitute and let us move forward to real reform and a greater, secure America. Vote for the Menendez substitute.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, Lee Hamilton, the distinguished vice chairman, a former Member of this body, the vice chairman of the 9/11 Commission, stated what should be obvious to all of us: that as the Senate and the House conduct the normal legislative process, he fully expected each body would refine and put their imprint on the commission's recommendations. He said at a September 28 press conference and on other occasions that the commission's recommendations are not set in stone. In that sense I applaud the Senate for putting its imprint on the commission's recommendations while crafting its bill.

I am proud of H.R. 10 and the work that our committees have done on this bill. H.R. 10 is the House's imprint, its product in responding to the commission's recommendations.

Let us be clear about what the substitute is and is not. It is the hastily drafted combination of the text of at least two bills introduced in the other body. It is a version that has never been reviewed by any committee in the other body or been voted on in the other body. The Menendez amendment asks the House to simply accept titles II through XI of the McCain-Lieberman bill as introduced. These provisions of McCain-Lieberman have not been reviewed by any committee in the other body. We are also being asked to ignore the modifications made to these provisions during floor consideration in the other body.

Similarly, the Menendez amendment asks the House to simply ignore the deliberations on the floor of the other body. Over 6 days with regards to the Collins-Lieberman bill, title I of the Menendez substitute, the Collins-Lieberman bill is frequently described as being ''battle-tested,'' but now we are being requested to ignore the results of the biggest test, the amendment process of the other body.

If this is the biggest debate in the House, that is a poor excuse for a legislative proposal to cobble together pieces from the other body that have never been deliberated, that have never been voted on, and that did not pass the other body.

The House can do better, and we have done better than what the other body has done and what has been proposed in this amendment.

H.R. 10 is a comprehensive bill. H.R. 10 effectively implements the framework of recommendations contained in the report of the 9/11 Commission, especially its core recommendations regarding the restructuring of the intelligence community.

Mr. Chairman, for these reasons I urge my colleagues to join me in opposing the Menendez amendment in the nature of a substitute and later on vote overwhelmingly to support H.R. 10.

Mr. SIMMONS. Mr. Chairman, I rise today to support my colleague from New Jersey, Mr.

MENENDEZ's amendment to H.R. 10, the 9/11 Recommendations Implementation Act.

Every American remembers where they were on September 11, 2001. On that morning the American people began a journey together. No one can predict how long we will be on this journey. Luckily, we were given the beginnings of a guidebook for this journey, provided by the bipartisan men and women of the 9/11 Commission.

The American people watched over the last many months as the 9/11 Commission met to examine facts and question witnesses. Together they pieced together the failures and shortcomings that led to the terrible attacks of September 11. The Commission then produced a series of recommendations for the American people that came out in July and literally flew off bookstore shelves around the country.

Like my fellow citizens I took the time to read the 9/11 Commission's final report and contemplate the more-than 40 recommendations. I like many of the recommendations made by the Commission. There are others that I do not like. But I respect the fact that this is an important start, and a blueprint that many of the American people have read, and understand.

On July 28, 2004, I joined my colleague from Connecticut, CHRISTOPHER SHAYS, to announce my participation in a bipartisan 9/11 Commission Caucus whose purpose was to promote their recommendations in a bicameral and bipartisan fashion. Subsequently, we introduced a bill in the House that mirrored the 9/11 Commission recommendations.

Senator SUSAN COLLINS of Maine and my Senator, JOE LIEBERMAN of Connecticut, also had the wisdom to introduce legislation in the other body that mirrors the recommendations of the 9/11 Commission. The administration has endorsed the Collins-Lieberman legislation; the 9/11 Commission Families have endorsed this legislation and last night the Senate overwhelmingly passed the legislation.

Today we have the opportunity to do the same by voting in favor of the Menendez amendment. I will be supporting this amendment to show my constituents and the American people that indeed we are on this journey together, that we will not taint the 9/11 Commission's recommendations, that we will start reforming our intelligence community and that we invite Americans to join us as we build from these recommendations.

Mr. MEEKS of New York. Mr. Chairman, I rise today in strong support of the Menendez substitute to H.R. 10, the only version supported by the House's 9/11 Commission Caucus, the 9/11 families and the legislation most similar to the bill adopted by the Senate yesterday by a 96–2 vote.

This bipartisan substitute fully implements the forty-one 9/11 Commission recommendations and adds no extraneous provisions. It implements critical recommendations not fully addressed by H.R. 10, including the creation of a strong National Intelligence Director and giving that director full budgetary and personal authority, as the 9/11 Commission recommends.

The 9/11 Commission came together because America and the victims' families demanded answers and solutions. The bipartisan group of Commissioners—five Democrats and five Republicans—worked tirelessly to fulfill their commitment to make America safe. We should honor their efforts and fulfill our commitment to America by producing a bill that responds directly to the Commissions' recommendations—with no added controversial or unrelated provisions. The Menendez substitute helps us do just that by ensuring that we have a clean bill on the President's desk before we adjourn.

Let's not play politics with a bill as important to the American people as this one. Pass the Menendez substitute.

Mr. KIND. Mr. Chairman, I rise today in support of the Menendez substitute to H.R. 10, legislation to reform our country's intelligence agencies. I support this substitute so that as a country we can move forward quickly to a short conference and then give the President a completed bill to sign. The security of the people of western Wisconsin is of an utmost priority, and I am supporting measures that will make changes necessary to protect our homeland.

On September 11, 2001, our Nation was brutally attacked and several thousand of our citizens were killed. Our country was shocked and dismayed, but we were far from defeated. The resolve of our Nation is strong, and we stood up to the challenge and struck back.

After the attacks on that fateful day in September, many questions about our homeland security were raised. I supported and worked for a comprehensive Homeland Security bill that created the Homeland Security Department and cabinet level secretary. The creation of the Homeland Security Department was an important first step for our country to ensure the security of its citizens. But there remained many unanswered questions about our Nation's intelligence failures before September 11, which is why I supported the creation of the independent bipartisan 9/11 Commission.

On July 22, 2004, the 9/11 Commission provided a full and complete report to Congress and the American public. I praise the Commission for its excellent work, leadership, patriotism, and service to our country. We owe it to the families of the victims of 9/11 and to the citizens of our country to use this report to make certain this type of attack never happens again; I fully support the unanimous and bipartisan recommendations of the 9/11 Commission.

That is why I am a cosponsor of H.R. 5150, the Shays/Maloney bill to implement the Commission's recommendations. This legislation is the bipartisan companion bill to the Collins/Lieberman bill which just passed in the Senate on October 6, 2004, by a vote of 96–2. I am disappointed that House leadership has refused us the opportunity to debate this bill. Rather, today on the House floor we are debating a different 9/11 bill, which was drafted solely by the Republican leadership, which is not bipartisan, not supported by the 9/11 Commission members, or most of the families of the victims of September 11.

Regrettably, it is rare these days for Republicans and Democrats to come together and work toward the greater good of the country. But that is exactly what happened this summer when five Democrats and five Republicans on the 9/11 Commission voted unanimously on 41 key recommendations to make our country more secure. And, this October, it happened again when the Senate worked together to pass the Collins/Lieberman bill endorsed by the 9/11 Commission.

Unfortunately, in the House, intelligence reform has taken a turn in the opposite direction and we are being forced to debate and vote on a bill that is not endorsed by the 9/11 Commission.

H.R. 10 would strip power from the National Intelligence Director and the National Counterterrorism Center; it does not create an office to oversee civil liberties; and, H.R. 10 does not increase congressional oversight of our intelligence agencies. Further, this bill includes several provisions not recommended by the 9/11 Commission, including increased removal of immigrants without a hearing or review, and easing rules of the U.N. Convention Against Torture. Essentially, H.R. 10 strips away the 9/11 Commission's recommendations and adds language not endorsed by the Commission.

When the security of our country is at hand, politics should not play a part. But, again, here we are debating a bill without support from both sides of the aisle, and the will of the few is being forced upon the many. This is not the right way to make important changes for a nation's security. The partisanship of H.R. 10 will only delay making our country safer. We need to pass H.R. 5150, so it can be brought to the President's desk immediately, instead of further delaying the process by passing H.R 10.

But if the substitute fails, I have decided that for the purpose of moving this process forward to conference quickly I am going to support H.R. 10. When the safety of our country is at hand we need to be able to cross the aisle and work with our colleagues to protect our country. After passage of H.R. 10, I plan to work closely with the members of the conference committee on the 9/11 Commission Recommendation Implementation Act to more closely align the conference report with the 9/11 Commission's 41 recommendations and the recently passed Senate bill.

Mr. Chairman, the 9/11 Commissioners' recommendations are thorough and complete, and I stand behind them. Let us make our country safer now, not later. I urge my colleagues to support the substitute and the underlying bill.

Mr. HYDE. Mr. Chairman, while there may be some provisions in the Menendez substitute worthy of discussion during conference on this measure, I rise in opposition to the amendment.

Our review of the Commission's report was performed with a seriousness and deliberation worthy of the subject and the task. The preparatory effort included full committee hearings, scores of briefings by the administration and others on the range of issues, the input of many experts, and days and weeks of effort devoted to gathering the requisite information. From this, we developed what we believe are measures necessary to give form and meaning to the often diaphanous wording of each of the Commission's recommendations that fall within my committee's jurisdiction.

The Menendez substitute offers little more than a mere restatement of the Commission's recommendations and the unspoken premise that difficult problems can be easily solved by the simple act of throwing money at them. We have no shortage of examples of government programs where this approach has not only failed, but actually rendered our problems worse. Here, the greatest danger stems from the complacency that will result from our merely having increased spending while congratulating ourselves for having taken swift action.

Instead, as the authors of H.R. 10, we crafted practical solutions to fulfill the recommendations. We took abstract report recommendations such as "offer an example of moral leadership, commit to treat people humanely, abide by the rule of law" and made them concrete.

Taken in its totality, H.R. 10 is a far superior product because it reflects the concerted and consolidated efforts of several committees and lays out direct, specific policy guidance on how to confront these evils. The Senate may have voted to pass a similar measure to the Menendez substitute, but this is our chance to vote for something better, more concrete. I urge a "no" vote on the Menendez substitute amendment.

Mr. MENENDEZ. Mr. Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. NETHERCUTT). Members are reminded to refrain from improper references to the Senate.

The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ) will be postponed.

It is now in order to consider amendment No. 2 printed in House report 108–751.

AMENDMENT NO. 2 OFFERED BY MR. SIMMONS

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SIMMONS:

Page 101, after line 3 add the following new section:

SEC. 1065. SENSE OF CONGRESS AND REPORT REGARDING OPEN SOURCE INTELLIGENCE.

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

(1) the National Intelligence Director should establish an intelligence center for the purpose of coordinating the collection, analysis, production, and dissemination of open source intelligence to elements of the intelligence community;

(2) open source intelligence is a valuable source that must be integrated into the intelligence cycle to ensure that United States policymakers are fully and completely informed; and

(3) the intelligence center should ensure that each element of the intelligence community uses open source intelligence consistent with the mission of such element.

(b) REPORT.—Not later than June 30, 2005, the National Intelligence Director shall submit to the congressional intelligence committees a report containing the decision of the National Intelligence Director as to whether an open source intelligence center will be established. If the National Intelligence Director decides not to establish an open source intelligence center, such report shall also contain a description of how the intelligence community will use open source intelligence and effectively integrate open source intelligence into the national intelligence cycle.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Connecticut (Mr. SIMMONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I yield myself such time as I may consume.

I rise today to urge my colleagues to support my Open Source Intelligence amendment to H.R. 10, the 9/11 Recommendations Implementation Act. And I thank the Committee on Rules, the chairman of the Permanent Select Committee on Intelligence, the chairman of the Committee on the Judiciary, and, of course, the chairman of the Committee on Armed Services for their efforts to help me perfect this amendment, and I also thank them for their support of the amendment.

Essentially what this amendment does is it expresses a sense of Congress that the new National Intelligence Director should establish an intelligence center for the production of open source intelligence, and it instructs the National Intelligence Director to consider establishing this new center and to report to Congress by June 30, 2005.

Many people ask me what is open source intelligence. And it is really very simple. Open source intelligence, or OSINT, is an intelligence discipline based on information collected from open sources, which could be newspapers, the Internet, books, phonebooks, scientific journals, radio, and television. And once this information is collected from these open sources, it is processed, analyzed, used to produce intelligence, which is then disseminated to intelligence consumers.

Open source is not new. The Foreign Broadcast Information Service has been around for many years, and their daily reports contained translated broadcasts, news agency transmissions, newspapers, and other statements from nations around the world. The daily reports represent a unique resource for the study of foreign affairs. But we can do better than just these daily reports.

The 9/11 Commission report supported the creation of a new Open Source Agency and staff statement No. 11 from that report said, Open sources have always been the bedrock source of information for intelligence.

One of the great advantages of open source intelligence is it is relatively inexpensive, and we can share it with others including our allies, soldiers from foreign governments; and best of all, we can share open source intelligence with the American people.

For example, for those interested in Iran's nuclear proliferation activities, I have an aerial photograph in front of me dated 2002 showing the construction of buildings for uranium enrichment, and then 2 years later it shows that those facilities have been buried underground. If the Iranians claim there is nothing sensitive taking place on that site, we look at a larger photograph and here we see the construction, but here when these facilities have been buried underground, we see a new guard fence with guard posts around.

The best part of these aerial photographs is they are unclassified, and we can describe what is going on in Iran and share it not only with Members of this Chamber but with our allies and with the American people.

Even though the 9/11 Commission report supports creation of an Open Source Agency, my amendment simply asks the National Intelligence Director to report to Congress next June with his or her recommendation.

Mr. Chairman, at a time when the performance of the U.S. intelligence community is being questioned and when every scrap of information is needed to put together the puzzle presented by terrorist operations, there could be no better time to incorporate the value of open source intelligence to the overall product than right now.

Mr. Chairman. I urge my colleagues to support my open source intelligence amendment to H.R. 10, the 9/11 Recommendations Implementation Act.

I thank the Rules Committee for allowing for consideration of this amendment and I thank Intelligence Chairman PETE HOEKSTRA, Judiciary Committee Chairman JIM SENSENBRENNER, and Armed Services, Chairman DUNCAN HUNTER for working with me to perfect this amendment. I also thank them for their endorsements of the amendment.

This amendment expresses a sense of Congress that the new National Intelligence Director should establish an intelligence center for the production of open source intelligence. It instructs the National Intelligence Director to consider establishing this new center and to report to Congress by June 30, 2005 with a decision on whether or not to create such an OSINT Center.

Many people ask me to explain what exactly is open source intelligence or OSINT. It is really very simple.

OSINT is an intelligence discipline based on information collected from open sources. These sources include newspapers, the Internet, books, phone books, scientific journals, radio and television broadcasts. Once this information is collected from publicly available sources, it is processed and analyzed to produce intelligence, which is subsequently disseminated to intelligence consumers.

The discipline of OSINT is nothing new and our intelligence community has been using it for a long time. For example, the Foreign Broadcast Information Service works with open sources. Their Daily Reports consist of translated broadcasts, news agency transmissions, newspapers, periodicals and government statements from nations around the globe. These media sources are monitored in their original language, translated into English, and issued daily to U.S. Government officials. The Daily Reports represent a unique resource for the study of foreign affairs, business, law, sociology, political science and more, covering all regions of the world.

It is important to know that the 9/11 Commission Report recommends creation of a new Open Source Agency. Staff Statement No. 11 of the 9/11 Commission Report states the following:

Finally, open sources—the systematic collection of foreign media—have always been a bedrock source of information for intelligence. Open sources remain important, including among terrorist groups that use the media and the Internet to communicate leadership guidance. The Foreign Broadcast Information Service performed this mission. During the early 1990s that service had been ''shredded,'' as one official put it to us, by budget cuts.

In the mid-1990s, it was my honor to command the 434th Military Intelligence Detachment (MID), a U.S. Army Reserve unit affiliated with Yale University and located in New Haven, Connecticut. With the active participation of CWO–4 Alan D. Tompkins and SGT Eliot A. Jardines, our unit wrote the first handbook for Open Source Intelligence (OSINT) for the U.S. Army. The Military Intelligence Corps accepted it as doctrine.

One of the great advantages of Open Source Intelligence is that it is relatively inexpensive. Another advantage is that we can share it with others without fear of compromising sensitive sources and methods. We can share it with our soldiers, share it with our international allies, and most importantly—we can share it with the American people.

I have with me overhead photos that illustrate the utility of Open Source Intelligence. They describe Iran's activities to construct and then bury a uranium enrichment facility. You can clearly see that over two years the facility was completed, buried and secured with a fence and guard towers. The best part is that these aerial photos are not classified and can be shared with our allies and the American people when discussing Iran's nuclear proliferation activities.

Why is OSINT important today? The ''information explosion'' has dramatically increased both the quality and quantity of the information available in the public domain. Because this information is unclassified, it can be shared quickly and freely, and acted upon.

Unfortunately, our country's intelligence service has not adequately coordinated our OSINT efforts. The time has come to revisit the importance of Open Source Intelligence and to consider the creation of an OSINT center.

Although the 9/11 Commission Report supports creation of an Open Source Agency, my amendment simply asks the new National Intelligence Director to report to Congress his or her recommendation on this matter.

Earlier this year when the House considered the Intelligence Authorization Act my colleagues accepted a similar amendment that directed the Director of Central Intelligence (DCI) to focus on the importance of OSINT and report to Congress in six months on the progress being made in utilizing OSINT.

At a time in our history where the performance of the U.S. Intelligence Community is being questioned, and where every scrap of information is needed to piece together the puzzle presented by terrorist operations, there could be no better time to incorporate the value of OSINT to the overall intelligence product available to our policy makers and military forces.

I urge you to join me in support of my amendment on Open Source Intelligence.

Mr. Chairman, I reserve the balance of my time.

Ms. HARMAN. Mr. Chairman, I rise to control the time on the amendment.

The CHAIRMAN pro tempore. Is the gentlewoman opposed to the amendment?

Ms. HARMAN. I am not, Mr. Chairman.

The CHAIRMAN pro tempore. Without objection, the gentlewoman is recognized to control 5 minutes.

There was no objection.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment's sponsor knows a lot about intelligence, having served as staff director for the Intelligence Committee in the other body under the late great Senator Goldwater, author of Goldwater-Nichols, the law that prescribes jointness in the military just like the approach some of us want to take to the intelligence community.

□ 2315

The gentleman is rightly a supporter of greater use of open sources, and I would agree with him that our entire intelligence community could benefit by greater use of open sources. I would just point out that some of the photos he showed us were very interesting, and to my mind, reveal a lot more information than the top line of the intelligence budget. But be that as it may, his amendment, I think, is a sensible idea, if only to draw more attention to the importance that open sources can provide.

This is a sense of the Congress, so for those who think that centers should only be mission oriented, it is only a sense of the Congress that we should pay more attention to open sources.

Mr. Chairman, I am pleased to support the gentleman's amendment.

Mr. Chairman, I would comment further only this, that I regret the tone of the debate on the last amendment. It troubles me a lot. I think everyone sitting here really cares that we get it right about intelligence reorganization.

Many of us have studied it for years. I wish the House had taken the lead on the subject months and months ago, because we had very good information on the problems and very good legislation drafted. But we stalled out, and the other body filled the vacuum and we are where we are.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of our committee,

Mr. HOLT. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, we have discussed this matter quite a bit in the Permanent Select Committee on Intelligence and we agree that there should be more use of open sources. In fact, it should be routine, an integral part of every analyst's and every agency's work. It may not be necessary to have a center, as the gentleman suggests in his amendment, but I think as a sense of Congress this amendment is useful to emphasize the importance that open sources of information bring.

Excessive reliance on information obtained from secret sources is not necessarily a good thing, and time and again, in example after example, we have discovered that openly published and openly discussed information is indeed superior, more correct than some of the secret information that analysts have been relying on excessively. So we think this is heading in the right direction.

Mr. SIMMONS. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me time.

By creating an Open Source Intelligence Center under the National Intelligence Director to collect, analyze, produce and disseminate open source materials to the intelligence communities, the information becomes a building block for further collection, rather than a forgotten tool.

I rise in support of the Simmons amendment. It creates a valuable tool under the authority of the National Intelligence Director to make open source intelligence more acceptable and available to the agencies of the intelligence community.

Ms. HARMAN. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. WATT) for the purpose of making unanimous consent request.

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Chairman, I rise in support of the Menendez substitute amendment.

Mr. Chairman, I rise in support of the Menendez Substitute, and in particular, its creation of a Privacy and Civil Liberties Board within the Executive branch as unanimously recommended by the 9/11 Commission. After months and months of study, and months and months of hearing testimony and reviewing volumes of documents, the 9/11 Commission unanimously recommended that there be a board ''within the government whose job it is to look across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered.''

Because I take the protection of our constitutional rights and liberties very seriously, I offered an amendment during the Judiciary Committee markup of this bill to establish an independent, bipartisan board to oversee compliance with civil liberties and the Judiciary Committee bill included a version of the oversight board. The Menendez substitute establishes such a board. Now there are those who might suggest that an advisory board created by the President by executive order satisfies the mandate of the 9/11 Commission. It does not. That board consists of Administration insiders with advisory functions.

In the words of the Vice Chairman of the 9/11 Commission, we must establish a board

that is "robust," one that has the authority to secure our freedoms against abuse. We all agree that our Nation must adjust to confront the terrorist threat, but in doing so we cannot undermine the principles for which Americans stand.

One need not look far to imagine the types of abuses that a Privacy and Civil Liberties Board could expose and prevent. Should innocent Americans be held merely on suspicion, without the opportunity to consult with counsel and without the ability to speak with their family? After two years of detention without access to family or counsel, a U.S. citizen was recently released from Guantanamo because he was no longer of "intelligence value." Should Americans be willing to miss graduations, baptisms, weddings, and funerals, because their names are erroneously on a no-fly list? If Senator KENNEDY, Congressman JOHN LEWIS and Congressman YOUNG find themselves detained as suspected terrorists, who will be next? Just last week, a federal district court ruled that the FBI's use of "national security letters" to compel the production of customer records from internet service providers was unconstitutional.

In short, just as we need to make adjustments as we fight terrorism, we also need this independent board to make sure that fighting terrorism is done in a manner that does not change the fundamental nature of our society. In closing, let me quote directly from the 9/11 Commission's findings in connection with its recommendation that there be a board to protect civil liberties:

> We must find ways of reconciling security with liberty, since the success of one helps protect the other. The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown us that insecurity threatens liberty. Yet, if our liberties are curtailed, we lose the values that we are struggling to defend.

The substitute implements the recommendation of the 9/11 Commission and should be supported. I urge my colleagues to vote "yes."

Mr. SIMMONS. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I will not take that much time, but just to say like the gentleman that offered this amendment, this amendment is practical, it is a smart thing to do, and we support it very strongly.

Ms. HARMAN. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for the purpose of making a unanimous consent request.

(Ms. JACKSON-LEE of Florida asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support the Menendez substitute in recognition of fixing the human intelligence problem we have in the intelligence system and recognizing the 9/11 Commission's work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it pleases me that the Committee on Rules had the prudence to make the amendment offered by the Gentleman from New Jersey, Mr. MENENDEZ, in order. This important amendment has been endorsed by the 9/11 Commission and embodies the provisions found in the Collins/Lieberman proposal, S. 2845 and the McCain/Lieberman proposal, S. 2774.

In our work on H.R. 10, we have a duty to take in to account the families that will be affected. We in this august body have a duty to take into account that these families—in fact, all American families, will be waiting and watching to see if this body will act responsibly, appropriately, and adequately.

The base bill includes over 50 extraneous provisions that were not recommended by the 9/11 Commission. Within these extraneous provisions are legislative "poison pills" that will ultimately frustrate our overall purpose—to make America safe. These poison pills include:

Giving the President "fast track" authority to reorganize the intelligence agencies, undermining the reforms recommended by the 9/11 Commission;

Giving the President authority to bypass Senate confirmation of the Director of the CIA and other key intelligence and defense officials, weakening congressional oversight;

Giving federal law enforcement officials new authority to deport foreign nationals, revoke visas, and deny asylum without judicial review;

Creation of new national databases of drivers licenses, birth certificates, and criminal histories, raising civil liberties and privacy concerns; and

Expansion of the authority of the Justice Department by relaxing grand jury secrecy requirements and increasing its ability to conduct secret surveillance.

I serve on the House Select Committee on Homeland Security, and it troubles me that while that body received a referral for markup, the leadership has chose not to schedule such a hearing. The very committee that would presumably hold the most jurisdiction over this matter deferred its opportunity to make this legislation better. That does not sit well with my colleagues on this side of the aisle and it does not sit well with the families of the victims of 9/11—it does not sit well with the American people.

Furthermore, while the September 11 Commission has set forth its bi-partisan suggestion for rebuilding and improvement, we cannot even move legislation that authorizes homeland security spending through a markup by the main committee of jurisdiction. These issues are indicative of a body that has its priorities misplaced.

H.R. 10 will have to serve as the blueprint for this nation's ability to fight terrorism. Therefore, it is our duty to comprehensively and earnestly debate the merits of this legislation without partisan politics and pre-election motives. Since this proposal was crafted without giving Democrats an adequate opportunity to provide input, it is clear that, while the September 11 Commission's (9/11 Commission) report recommendations are a bi-partisan product, H.R. 10 is not. Hence, this bill is the symbol of leadership that is guided by partisanship when it should be guided by the needs of the American people. This bill is the symbol of misplaced priorities.

BORDER SECURITY

The state of security at our nation's land border is extremely troubling. we are only safe if we have secured our borders. Most of the people who come into our country come across our land borders.

Yet the Republican House of Representatives doesn't want to make necessary investments at our nation's ports of entry and between the ports of entry to keep terrorists out. Apparently, in light of what they have proposed in the 9/11 bill, Republicans are focused exclusively on finding new ways to kick the bad guys out.

I've got news for you all—something the American people know—Once terrorists are in the US, it's too late. The goal should be to keep them out in the first place, but in a manner that respects their civil liberties.

What we must do is make it harder for terrorists to get into this country.

To do this we need to invest in law enforcement resources at the border—at and between our Nation's ports of entry.

Security means investment in personnel, technology and infrastructure that will keep Americans safe.

Security means having a comprehensive unified border security strategy.

The Administration has failed to invest in the expansion and improvement of infrastructure and staffing at our nation's ports of entry.

We only have 1000 more border patrol agents than we did on 9/11—that is a three percent increase per year.

The Administration has failed to invest in technology to monitor the land borders. Much of the technology at the southern border is more than a quarter century old.

Today, millions of people who cross our borders are not checked against any database and the intelligence databases available to front line officers are antiquated and not fully integrated or interoperable.

The Administration has failed to secure federal parks, wildlife sanctuaries, forests and Indian reservations—some of these areas have experienced the largest increases in narcotics and human smuggling.

The Administration has failed to budget for adequate detention space. Tens of thousands of illegal immigrants have been released into U.S. communities. Of those released 80–90 percent fail to appear for deportation proceedings.

Perhaps most glaring is the failure of the Administration to develop a comprehensive long term interagency border strategy.

Unless the Administration acts in these areas, American will not be safe.

CONVENTION AGAINST TORTURE

Originally, I planned to offer an amendment that would remove section 3032 from the 9/11 Recommendations Implementation Act. Section 3032 would retroactively authorize the deportation of aliens to countries where they are likely to be tortured. Sending people to countries where they would face torture is morally wrong, and it would violate the United Nations Convention Against Torture (CAT). Section 3032 also would make it harder to establish eligibility for CAT relief, and it would prohibit federal court challenges to a decision removing CAT protection under the new law except as part of the review of a final order of removal.

Article 3 of the Convention forbids a State Party from forcibly returning a person to a country when there are substantial grounds for believing that he would be in danger of being subjected to torture. In ratifying the treaty, the U.S. Senate did not express any reservation, understanding, or proviso that might exclude a person from Article 3 prohibition.

I support this absolute prohibition on moral as well as legal grounds. Torture is so horrendous and so contrary to our ethical, spiritual, and democratic beliefs that it must absolutely be condemned and prohibited.

I want to emphasize that the prohibition in the Convention is country specific. It just prohibits deportation to a country where the alien will face torture. Also, the grant of CAT protection is temporary. It can be removed when a change in conditions eliminates the risk of torture.

I also object to the change in the burden of proof that would require the applicant to prove his case by ''clear and convincing evidence'' instead of the present ''more likely than not'' standard. Raising the standard to this level of certainty would result in sending people to countries where they will be tortured.

Finally, I object to making such changes retroactively and to prohibiting federal court review of CAT decisions unless it is part of the review of a final order of removal. Petitions for review of a removal order must be filed within 30 days. Consequently, section 3032 would prevent many aliens from having federal court review of adverse decisions. This cannot be justified where the consequence of a mistake could be subjecting a person to torture.

In closing, I will quote some sections from a letter that White House counsel Alberto R. Gonzalez sent to the editors of the Washington Post on October 1, 2004, about the torture provision in the House intelligence reform bill:

> The President did not propose and does not support this provision. He has made clear that the United States stands against and will not tolerate torture, and that the United States remains committed to complying with its obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Consistent with that treaty, the United States does not expel, return, or extradite individuals to other countries where the United States believes it is likely they will be tortured.
>
> As the President has said, torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.

STATE ISSUANCE OF DRIVER'S LICENSES

An amendment that would remove subsection 3052(c)(2) from the 9/11 Recommendations Implementation Act. Subsection 3052(c)(2) would prohibit the states from issuing driver's licenses to aliens who do not have lawful status.

Recent estimates indicate that we have between 8 and 14 million undocumented aliens in the United States. Subsection 3052(c)(2) would prevent many of them from getting driver's licenses. While I understand the argument that undocumented aliens are here unlawfully and should not be accorded the privilege of having driver's license, the analysis of the problem should not stop with that observation. The reality is that the undocumented aliens will drive even if they cannot get driver's licenses. For most people, it is virtually impossible to survive in our society without a car, and it is unrealistic to expect the undocumented aliens to give up and leave the country when they find out they cannot get driver's licenses.

A driver's license is not just a privilege for the driver's benefit. It also serves state purposes. By licensing drivers, the state can ensure that the drivers who receive licenses have acceptable driving skills, know traffic laws, and have liability insurance. In addition, registering and photographing all drivers helps the state to monitor driving records.

Traffic accidents are the leading cause of death for persons aged six to 33, with more than 40 thousand traffic fatalities each year. According to a study conducted by the AAA Foundation for Traffic Safety, unlicensed drivers are five times more likely to be in fatal crashes than drivers with valid licenses.

TSA AND PASSENGER PRE-SCREENING

This proposal would make the ''Next Generation Airline Passenger Prescreening'' provision (Section 2173) more effective while taking active measures to protect individual rights and liberties.

The existing language in Subsection (i) of Section 2173(a)(C) assigns the task of testing the next generation passenger prescreening system against automatic selectee and no-fly lists and records in the consolidated and integrated terrorist watchlist maintained by the Federal Government to the ''Assistant Secretary or designee.'' This a very loose assignment of a very important task. Moreover, the duties of the Assistant Secretary would hardly allow for the time and effort that is necessary to perform the functions of this provision to address the needs of the American public.

The Jackson-Lee Amendment would assign this task rather to the ''Civil Liberties Protection Officer'' of designee thereof—in consultation with the Assistant Secretary. Therefore, this amendment adds teeth to the existing provision in the area of personnel assignment.

The Civil Liberties Protection Officer is the most appropriate personnel to perform this function. Its duties are enumerated in Section 1022(b) of this legislation:

> (b) DUTIES.—The Civil Liberties Protection Officer shall—
>
> (1) ensure that the protection of civil liberties and privacy is appropriately incorporated in the policies and procedures developed for and implemented by the Office of the National Intelligence Director and the elements of the intelligence community within the National Intelligence Program;
>
> (2) oversee compliance by the Office and the National Intelligence Director with requirements under the Constitution and all laws, regulations, Executive orders, and implementing guidelines relating to civil liberties and privacy;
>
> (3) review and assess complaints and other information indicating possible abuses of civil liberties and privacy in the administration of the programs and operations of the Office and the National Intelligence Director and, as appropriate, investigate any such complaint or information;
>
> (4) ensure that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personal information;
>
> (5) ensure that personal information contained in a system of records subject to section 552a of title 5, United States Code (popularly referred to as the 'Privacy Act'), is handled in full compliance with fair information practices as set out in that section;
>
> (6) conduct privacy impact assessments when appropriate or as required by law; and
>
> (7) perform such other duties as may be prescribed by the National Intelligence Director or specified by law.

Under the Jackson-Lee Amendment, the Civil Liberties Officer (CLO) would ''assume performance of the passenger prescreening function of comparing passenger name records to the automatic selectee and no-fly lists and utilize all appropriate records in the consolidated and integrated terrorist watchlist maintained by the Federal Government.'' Given the functions of the CLO as described in Section 1022, the Next Generation Airline Passenger Prescreening program would be developed in a way that protects individual liberties and privacy while eliminating mistakes that have been made, perhaps, due to a lack of proper skills or experience.

The Jackson-Lee Amendment would also require the CLO to develop guidelines, policies, and operating procedures for the (1) ''collection, removal, and updating'' of the data maintained by the prescreening system, (2) criteria for the addition of names to the database, (3) security measures to protect the system from unauthorized access, (4) a system for correcting erroneous entries, and (5) a process that allows individuals who are victims of error to demonstrate that an error has been made as well as to allow for a challenge as to the inclusion of his/her name in the database. Again, with the expertise in the area of civil liberties and privacy rights, this function would be performed most efficiently with the inclusion of my proposal.

Moreover, the Jackson-Lee Amendment would enable individuals or entities to file civil actions against an agency with respect to the challenge.

According to the Associated Press, Senator EDWARD KENNEDY could not fly out to Boston because his name had been listed in the ''no fly'' database erroneously. After having made several phone calls, he was able to fly to Boston; however, the same thing occurred on his way back to Washington. It required three phone calls to the Secretary of Homeland Security to correct this error.

The normal American citizen, however, cannot simply pick up the phone and call the Secretary of DHS to address the problem of erroneous inclusion in the ''no fly'' database. Therefore, the Jackson-Lee Amendment would provide the protection of the Civil Liberties Officer and the tort reform provision to address his/her grievances.

CRIMINAL BACKGROUND CHECKS—SECTION 2142

Lastly, at the Committee level, I offered an amendment that speaks to protecting the privacy of employees. This amendment would have stricken Section 2142(a) of the base bill before this body, H.R. 10. Section 2142 of the 9/11 Recommendations Implementation Act (H.R. 10) mandates that the Department of Justice establish and maintain a system to provide employers with criminal history information of its employees. In order for the employer to receive this information, it must submit fingerprints or other biometric identifiers of the employee to the Department. Once fingerprints or biometric data are submitted, the FBI would be required to use the Integrated Fingerprint Identification System. (IAFIS) to identify any records of arrest, detention, indictment or other formal charge pertaining to the employee and any disposition of such charge.

This body should oppose this unnecessary and intrusive provision which would provide a false sense of security, impede the ability of employers to hire new workers and impose an undue burden on important federal law enforcement resources.

The measure is unnecessary because employers already have many options to conduct

criminal history background checks on applicants and employees through the public and private sector. The National Crime Prevention and Privacy Compact (Title II of Pub. L. 105–251) already provides a framework—including privacy safeguards—through which nationwide criminal background checks can be conducted by employers on applicants and employees through state criminal history repositories when a state determines that such a check is appropriate. In addition, employers may seek background information from private databases as provided under the Fair Credit Reporting Act.

The FBI database is not sufficiently thorough to provide a truly adequate review of an individual's criminal background and would therefore provide a false sense of security. According to the Department of Justice, ''state systems tend to be more comprehensive and up-to-date than the federal system, because state courts report to the state system, not the federal system. This is particularly true in the case of non-felony arrests and convictions. While federal criminal records for felony arrests are improving daily, there are many important criminal history details that a prospective . . . employer would find important that are not found in federal data bases. These include: misdemeanor crimes of domestic violence; misdemeanor sex offenses; misdemeanor drug possession offenses; and impaired driving offenses.'' (H. Rept. 105–61).

ChoicePoint's National Criminal File, for example, contains over 170 million criminal history records from jurisdictions nationwide. In contrast, the FBI's NCIC houses an estimated 50 million records. Well over 90 percent of ChoicePoint's records are conviction records (not arrests or bookings), whereas only 20 percent of the NCIC records contain disposition information.

Universal employee screening would overwhelm insufficient infrastructure and would impede an employer's ability to hire new workers. While electronic submissions can be processed relatively quickly, paper based submissions currently take five to ten business days to complete according to congressional testimony by the Department of Justice. With expanded submissions, employers can expect the delay to increase thus impairing their ability to make hiring decisions.

Universal federal screening of employees would place an undue burden on the law enforcement, diverting resources away from better uses. While the IAFIS system is already established, the FBI still would need to develop means and capacity for accepting, processing, and responding to requests for background checks from employers. The employers from which the FBI will receive requests likely will vary widely in terms of their knowledge of the background check process and in their technical capabilities to collect and transmit requests (including fingerprints) to the FBI, requiring additional expenditures of resources by the FBI. The Department of Justice has opposed more narrow proposals that did not require that checks first be run through state criminal records systems. Whereas state criminal records systems are more robust than federal records, running background checks through state agencies would conserve federal time and expenses. (H. Rept. 105–61).

The Department also has noted that many state and local law enforcement agencies that typically serve as the starting point are often ''under-staffed and under-equipped,'' which would limit their ability to conduct thorough and timely civil checks and ''could eventually result in the need to institute some type of prioritization of such checks as the existing infrastructure becomes overloaded.'' (Michael Kirkpatrick, FBI, testimony to House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, 3/30/04).

The federal government's collection of fingerprints or other biometric data from all prospective employees lacks adequate privacy safeguards. The bill does not provide any privacy protections for the applicant/employee that is the subject of the background investigation. Employers conducting background checks directly through the Attorney General would not be subject to the extensive protections afforded by the Fair Credit Reporting Act (15 U.S.C. § 1681 et. seq.) because those protections only attach to information an employer obtains from a consumer reporting agency—not information the employer obtains directly from the government. Thus, under the provision, an employee would lose many privacy safeguards otherwise provided under existing law. The bill would not require employees to be given notice of the background investigation nor would the employee have access to the results of the investigation or a means of appealing incorrect information as is provided.

The measure intrudes on the rights of states to regulate the dissemination of this sensitive information. Existing law provides the states with extensive authority to determine which criminal history record information is disseminated within its borders for employment and other non-criminal justice purposes. The proposed measure effectively would reverse this policy and pre-empt the ability of states to regulate this area. Moreover, the proposal would subject employees to the laws of states other than where he/she works. Under the proposal, an employer may seek a background investigation if authorized by the state where the employee works or by the state where the employer has its principal place of business. Arkansas, for example, could authorize criminal background checks nationwide for employees of Wal-Mart and other Arkansas-based businesses. Similarly, an employee of General Motors working in North Carolina would be subject to Michigan law. Unfortunately, the proposal does not clarify and would exacerbate patchwork of state laws pertaining to pre-employment background investigations. Individual rights can be protected while vigorously protecting the Homeland. It is our duty as legislators to find that balance.

Mr. Chairman, in recognition and tribute to the families of the 9/11 victims, there should never be a price limitation placed on effectively securing the Homeland. Nor should solid legislation be ignored or thwarted in carrying out the will of the American people. For this reason, I fully supported the goals set forth in the Shays-Maloney proposal that was not made in order by this Committee.

Given that the Menendez Amendment has been made in order, I offer my full support to the Gentleman. This Democratic substitute has been endorsed by the 9/11 Commission and embodies the provisions found in the Collins/Lieberman proposal, S. 2845 and the McCain/Lieberman proposal, S. 2774.

The real crime on 9/11 was the failure of the American Government in having a real intelligence integrated system that might have thwarted the horrific tragedy of 9/11. The focus today pursuant to the 9/11 Commission to be to vote on legislation that overhauls our broken intelligence system, give budgetary authority to the new intelligence director and fix the system that did not function on 9/11.

Our 9/11 families deserve a signed bill, as James Joyce said as told to me by Donald and Sally Goodrich, ''It is the now, the here through which all future plunges to the past.'' Let's move forward.

Ms. HARMAN. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY) for the purpose of making a unanimous consent request.

(Mr. OBEY asked and was given permission to revise and extend his remarks.)

Mr. OBEY. Mr. Chairman, I think both the Menendez bill and the core bill are headed in the wrong direction on final passage. I would vote against both of them.

Ms. HARMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I said and our other speaker said, this is a good amendment. This is a bipartisan issue. I think everybody here cares about better intelligence, and it is interesting to note how little attention open sources have gotten over the years and how much we have lost because we have not paid attention to them. So in that sense I think this amendment is extremely inspired to make a point that we must focus on this.

I would, however, like to make sure that the record of some of the conversation under the Menendez amendment is accurate, and in that connection, I am holding a press release issued by the Central Intelligence Agency dated 15 October, 1997, which says at the bottom the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1997 is $26.6 billion. A press release was also issued for 1998.

I would also like to say I do stand corrected. I have looked at the language of the Collins bill and what it provides is an alternative. That is what the 9/11 Commission also said in terms of organization of Congress. ''One alternative is a joint Senate-House authorizing committee. The other alternative is a committee in each Chamber with combined authorization and appropriations authority.'' The legislation does not make a decision between the two.

Mr. Chairman, I support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SIMMONS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at a time of international terrorism, there is no such thing as too much intelligence. Open source intelligence could save lives and inform our policymakers. Support the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment offered by the gentleman from Connecticut (Mr. SIMMONS).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 3 printed in House Report 108–751.

AMENDMENT NO. 3 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SOUDER:

At the end of subtitle C of title V (page 493, after the item after line 21) add the following:

SEC. ___. INTEGRATING SECURITY SCREENING SYSTEMS AND ENHANCING INFORMATION SHARING BY DEPARTMENT OF HOMELAND SECURITY.

(a) IMMEDIATE ACTIONS.—The Secretary of Homeland Security shall ensure—

(1)(A) that appropriate personnel of the Department of Homeland Security who are engaged in the security-related screening of individuals and entities interacting with the United States border and transportation systems, have the appropriate security clearances, and need access to the information in the context of their job responsibilities, can promptly access or receive law enforcement and intelligence information contained in all databases utilized by the Department, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Secretary;

(B) any Federal official who receives information pursuant to subparagraph (A) may use that information only as necessary in the conduct of that person's official duties and subject to any limitations on the unauthorized disclosure of such information;

(2) the coordination and, where appropriate, consolidation or elimination of duplicative targeting and screening centers or systems used by the Department for security screening purposes;

(3) the timely sharing of law enforcement and intelligence information between entities of the Directorate of Border and Transportation Security and the Directorate for Information Analysis and Infrastructure Protection, and any other entities of the Federal Government prescribed by the Secretary in consultation with the Director of the Office of Management and Budget; and

(4) that all actions taken under this section are consistent with the Secretary's Department-wide efforts to ensure the compatibility of information systems and databases pursuant to section 102(b)(3) of the Homeland Security Act of 2002 (6 U.S.C. 112(b)(3)).

(b) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress that includes the following:

(A) A description of each center, office, task force, or other coordinating organization that the Department of Homeland Security administers, maintains, or participates in, and that is involved in collecting, analyzing, or sharing information or intelligence related to—

(i) individuals or organizations involved in terrorism, drug trafficking, illegal immigration, or any other criminal activity; or

(ii) the screening, investigation, inspection, or examination of persons or goods entering the United States.–

(B) A description of each database or other electronic system that the Department of Homeland Security administers or utilizes for the purpose of tracking or sharing of information or intelligence related to—

(i) individuals or organizations involved in terrorism, drug trafficking, illegal immigration, or any other criminal activity; or

(ii) the screening, investigation, inspection, or examination of persons or goods entering the United States.

(C) For each description provided under subparagraph (A) or (B)—

(i) information on the purpose and scope of operations of the center, office, task force, or other coordinating organization, or database or other electronic system, respectively; and

(ii) an identification of each subdivision of the Department, and each governmental agency (whether Federal, State, or local) that participates in or utilizes such organization or system on a routine basis.

(D) A description of the nature and extent of any overlap between, or duplication of effort by, the centers, offices, task forces, and other coordinating organizations, or databases and electronic systems, described under subparagraph (A) or (B).

(2) CLASSIFIED OR LAW ENFORCEMENT SENSITIVE INFORMATION.—Any content of the report that involves information classified under criteria established by an Executive order, or the public disclosure of which, as determined by the Secretary, would be detrimental to the law enforcement or national security activities of the Department or any other Federal, State, or local agency, shall be presented to the Congress separately from the rest of the report.

(c) REQUIREMENT TO SUBMIT PLAN.—Within 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Congress a plan describing the actions taken, and those that will be taken, to implement subsection (a). Such plan shall include an analysis of the feasibility of integrating all security screening centers or systems utilized by the Department of Homeland Security into a single, comprehensive system, and actions that can be taken to further coordinate such system with other Federal and private screening efforts at critical infrastructure and facilities.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is pretty simple. It attempts to address this. When the Commission talks about stovepiping, these are the stoves. This is not even what is called the intelligence community. It does not include most of the CIA, the NSA. These are mostly the narcotics and border intelligence agencies.

As we look at this, for example, in El Paso alone, we have a Custom and Border Protection Field Intelligence Center, we have a DEA El Paso Intelligence Center, an OCDETF Center with a Southwest border initiative there also. This is just El Paso.

We have an Office of National Drug Control HIDTA, and we have a JTF–6, and the DHS is proposing a new Border Interdiction Support Center.

So this means in El Paso we have a BORFIC, an EPIC, an OCDETF, a SWBI, a HIDTA, a JTF and BISC that we need to have if we are going to do a better job of coordinating the intelligence on our southwest border and other places.

If we are going to have DHS actually coordinate these things, we need this amendment. This amendment says the Secretary should make sure everyone has access to relevant law enforcement. They need to consolidate databases, they need to improve information sharing. It requires the report to Congress containing an overview of all of the agencies' databases and other capabilities. It directs the Secretary to submit a plan to Congress, to improve information and intelligence sharing within the Department, and it directs the Secretary to ensure that information and intelligence sharing is subject to appropriate limitations and legal safeguards.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I rise to speak on the amendment.

The CHAIRMAN pro tempore. Is the gentleman opposed to the amendment?

Mr. TURNER. I am.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman from Indiana offering the amendment, which I do intend to support. But the amendment, interestingly enough, requires the Secretary of Homeland Security to do a whole lot of things that we have already required the Secretary to do 2 years ago in the Homeland Security Act. I think the amendment, more than anything else, shows us how far we have to go in getting this Department of Homeland Security to do what we wanted it to do when we created the Department in the first place.

The Homeland Security Act already requires the Department to do everything that is in this amendment. Under sections 201 and 892 of the Homeland Security Act, we called upon the Secretary to improve information sharing, to ensure that all DHS personnel share appropriate information. Two years later, this has not been done, thus, requiring us to say it again, I guess, as the gentleman has in his amendment.

Our frontline forces in the Department of Homeland Security clearly do not have access to the full range of databases that they should have access to to do their job. If a border inspector or law enforcement officer has a suspected terrorist in front of them, they need to have access to the information about that person. They do not have it today.

Likewise, the Department of Homeland Security legislation we passed 2 years ago required the Secretary to ensure appropriate exchanges of information with the private sector, which is also called for in the gentleman's amendment. Unfortunately, the Department still does not provide owners

of critical infrastructure with the intelligence they need. I appreciate the gentleman pointing this out by offering this amendment.

According to the Department's Inspector General, the Department has the lead responsibility to coordinate the terrorist watch list information, but thus far they have failed to provide the leadership to do it.

Here we are, 2 years after the creation of the Department of Homeland Security, we still do not have a unified terrorist watch list available to any agency of our government, as required by the Homeland Security Act, evidenced by the Department of Homeland Security's own Inspector General report.

Mr. Chairman, it is interesting to read in the amendment that the gentleman requires a report to list all of the offices in the Department that have the responsibility for collecting, analyzing and sharing information. Again, 2 years ago, the Homeland Security Act made the Department's Information Analysis Directorate responsible for this mission. Unfortunately, the gentleman is right in suspecting that the Information Analysis Infrastructure Protection Directorate has failed in the responsibilities that we gave them 2 years ago.

My colleague's amendment raises a number of very serious oversight questions for the Department. In fact, the amendment is nothing short of an admission of failure of the Department to carry out the mandates of this Congress which we put into law 2 years ago.

So I thank the gentleman for his amendment. I will join him in supporting it.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I thank the gentleman for his support.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX), the distinguished chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Indiana (Mr. SOUDER), which is an important amendment. It will ensure that the people responsible for screening border crossings, airline passengers and other transportation systems have access to all the law enforcement and intelligence information they need and it will ensure that they have access to all the law enforcement and intelligence information available to the Secretary of the Department of Homeland Security.

It is well-known that several Federal agencies have long maintained separate watch lists and that work is well underway to completely consolidate these. But the purpose of watch lists is to identify terrorists who are attempting to gain entry into the United States.

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If they are not integrated, in the meanwhile, we do not have seamless electronic access to that information in multiple databases, and they cannot do their job.

The Department of Homeland Security combined no less than 22 separate Federal agencies, and those agencies brought their legacy databases with them and their separate screening processes, which were developed to aid in their own separate missions before the merging.

The 9/11 Commission report recommends that "all points in the border system, from consular offices to immigration services, will need appropriate electronic access to an individual's file." And they note that "scattered units at Homeland Security and the State Department perform screening and data mining: instead," they say, "a government-wide team of border and transportation officials should be working together."

The 9/11 Commission report stresses the need to have border screening systems "integrated into a larger network of screening points that includes our transportation system."

This amendment offered by the gentleman from Indiana (Mr. SOUDER) addresses these concerns by ensuring that the Department of Homeland Security pursues the best way to link these systems together.

As chairman of the Select Committee on Homeland Security, I would like to thank the gentleman from Indiana (Mr. SOUDER) for offering this important amendment.

Mr. TURNER of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Select Committee on Homeland Security.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for the insight he gave us on the duties and responsibilities of the Department of Homeland Security, but I want to also thank the gentleman from Indiana (Mr. SOUDER) for this addition. I want to correct any suggestions that there were not many amendments; we all brought amendments and testified before the Committee on Rules, but I do want to say that this is an addition that is important.

Having just returned from the border, one of the key elements of providing good security is good intelligence; and particularly on the border and with our Border Patrol agents and our border security resources on the border, information-sharing has been extremely difficult. It is clear that the 9/11 Commission again talked about breaking down stovepipes. This is a good direction for breaking down those stovepipes and suggesting that ensuring safety at the borders keeps the homeland safe.

I am hoping, however, that we can also reflect upon the importance of a National Intelligence Director that has budgetary authority.

Mr. Chairman, I support this amendment for the information-sharing that it creates.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first I want to thank the gentleman from California (Chairman COX), the distinguished ranking member, the gentleman from Texas (Mr. TURNER), and the gentlewoman from Texas (Ms. JACKSON-LEE) who has been helpful, and a number of other members. Also, the Committee on Transportation and Infrastructure, as well as the Committee on the Judiciary and the Committee on Government Reform, those four committees came together to make this amendment possible.

We see cooperation in the narcotics area of the subcommittee I chair. We have had increasing drug busts, we have had some progress, but it is not fast enough. If we are not careful here, instead of collecting intelligence, all we are going to be doing is having people going to meetings and talking to each other. We have to have a better ability of our computers to talk, a more organized structure, because we cannot afford to make errors.

We understand, and this House is recognizing, the fact that these agencies that have been put together under Homeland Security have multiple missions. There are narcotics missions, there are search and rescue under the Coast Guard, there are fisheries missions, there are immigration missions within these Departments, and there are going to be some stovepipes; but they all have valuable information, and we need to get this better coordinated so we can be more effective and safer as a Nation.

I hope everyone will support this amendment. I do not see any reason why anybody would not. I appreciate the support on the minority side as well as the majority side.

Mr. Chairman, I yield back the balance of my time.

Mr. TURNER of Texas. Mr. Chairman, I yield myself the remaining time.

Again, I thank the gentleman from Indiana for bringing the amendment forward. As I said, it is something that should have been done under the law we passed 2 years ago when we passed the Homeland Security Act.

To show my colleagues how bad it is, the minority members of our Select Committee on Homeland Security did a 6-month investigation on the southern border and issued this report just last month: "Transforming The Southern Border." One of the many facts that was laid out and discovered as we did this report is that today, a border inspector watching people come across our border has to search eight different databases to find out whether they have a suspected terrorist before them.

So I support the Souder amendment.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment in the nature of a substitute offered by Mr. MENENDEZ of New Jersey; amendment offered by Mr. SOUDER of Indiana.

The Chair will reduce to 5 minutes the time for the second vote.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MENENDEZ

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. MENENDEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 213, not voting 17, as follows:

[Roll No. 510]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Ford
Fossella
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Alexander
Bachus
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baker
Boehlert
Filner
Gephardt
Houghton
Lipinski
Majette
Millender-McDonald
Murtha
Norwood
Ortiz
Paul
Ros-Lehtinen
Slaughter
Stark
Tauzin
Towns

□ 0001

Messrs. BURTON of Indiana, DREIER and THOMAS changed their vote from ''aye'' to ''no.''

Mr. KANJORSKI changed his vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 0, not voting 22, as follows:

[Roll No. 511]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks

Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Baker
Ballenger
Boehlert
Collins
Filner
Gephardt
Houghton
Kleczka
Lipinski
Majette
Millender-McDonald
Murtha
Norwood
Ortiz
Paul
Ros-Lehtinen
Schrock
Slaughter
Smith (MI)
Stark
Tauzin
Towns

□ 0010

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SESSIONS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GERLACH) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10) to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–764) on the resolution (H. Res. 832) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–765) on the resolution (H. Res. 833) providing for consideration of motions to suspend the rules, which was referred to the Union Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–766) on the resolution (H. Res. 834) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 2004.

Speaker DENNIS HASTERT,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: With this letter, please accept my resignation from the House Committee on Government Reform, effective immediately.

Should you have any questions, please feel free to contact me.

With kind regards, I am

Sincerely,

ERIC CANTOR,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM

Mr. SESSIONS. Mr. Speaker, I offer a resolution (H. Res. 835) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives.

Committee on Government Reform: Mr. Putnam, to rank after Mr. Cannon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4837, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2005

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4837) 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, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. KNOLLENBERG, WALSH, ADERHOLT, Ms. GRANGER, and Messrs. GOODE, VITTER, KINGSTON, CRENSHAW, YOUNG of Florida, EDWARDS, FARR, BOYD, BISHOP of Georgia, DICKS and OBEY.

There was no objection.

APPOINTMENT AS MEMBER TO COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

The SPEAKER pro tempore. Pursuant to section 201(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431 Note), amended by section 681(b) of the Foreign Relations Authorization Act, fiscal year 2003 (22 U.S.C. 2651 Note), the order of the House of December 8, 2003, and upon the recommendation of the Minority Leader, the Chair announces the Speaker's appointment of the following member on the part of the House to the Commission on International Religious Freedom for a 2-year term ending May 14, 2006, to fill the existing vacancy thereon:

Ms. Elizabeth Prodromou, Boston, Massachusetts, to succeed Ms. Patricia W. Chang, San Francisco, California.

HONORING THE FALLEN OF THE USS ''COLE''

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BURGESS. Mr. Speaker, it is hard to believe that it has almost been 4 years, but October 12 will mark the fourth anniversary of the bombing of the USS *Cole*. During that attack, 17 of our sailors died and 39 were hurt when the guided missile destroyed the USS *Cole*, which was attacked while refueling offshore. A small craft with two terrorists and probably 400 to 700 pounds of explosives blew a 40-foot hole in the hull of that ship.

Today, Mr. Speaker, I think it is appropriate since we will not be here next week, I think it is appropriate today that we honor those who were lost and acknowledge those who were injured and also acknowledge the suffering of those families who continue to mourn their loss.

Mr. Speaker, the following are the names of the fallen of the USS *Cole*.

USS COLE VICTIMS

Electronics technician 1st Class Richard Costelow; Morrisville, Pennsylvania.

Signalman Seaman Recruit Cherone Louis Gunn; Rex, Georgia.

Seaman James Rodrick McDaniels; Norfolk, Virginia.

Seaman Recruit Lakiba Nicole Palmer; San Diego, California.

Operations Specialist 2nd Class Timothy Lamont Saunders; Ringold, Virginia.

Ensign Andrew Triplett; Macon, Mississippi.

Seaman Apprentice Craig Bryan Wibberley; Williamsport, Maryland.

Hull Maintenance Technician 3rd Class Kenneth Eugene Clodfelter; Mechanicsville, Virginia.

Mess Management Specialist Seaman Lakeina Monique Francis; Woodleaf, North Carolina.

Information Systems Technician Seaman Timothy Lee Gauna; Rice, Texas.

Engineman 2nd Class Marc Ian Nieto; Fond du Lac, Wisconsin.

Electronics Warfare Technician 3rd Class Ronald Scott Owens; Vero Beach, Florida.

Engineman Fireman Joshua Langdon Parlett; Churchville, Maryland.

Fireman Apprentice Patrick Howard Roy; Cornwall on Hudson, New York.

Electronics Warfare Technician 2nd Class Kevin Shawn Rux; Portland, North Dakota.

Mess Management Specialist 3rd Class Ronchester Mananga Santiago; Kingsville, Texas.

Fireman Gary Graham Swenchonis Jr.; Rockport, Texas.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Ms. PELOSI) for today on account of important business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Mr. NORWOOD (at the request of Mr. DELAY) from October 5 through the balance of the 108th Congress on account of medical reasons.

ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes a.m.), the House adjourned until today, Friday, October 8, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10164. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Over-the-Counter Human Drugs; Labelling Requirements; Delay of Implementation Date [Docket Nos. 1998N-0337, 1996N-0420, 1995N-0259, and 1990P-0201] (RIN: 0910-AA79) received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10165. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Use of Materials Derived From Cattle in Human Food and Cosmetics [Docket No. 2004N-0081] (RIN: 0910-AF47) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10166. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Subject to Certification; D&C Black No. 2 [Docket No. 1987C-0023] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10167. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Skin Protectant Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket Nos. 1978N-0021 and 1978N-021P] (RIN: 0910-AF42) received September 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10168. A letter from the Regulations Coordinator, OIG, Department of Health and Human Services, transmitting the Department's final rule—Health Care Fraud and Abuse Data Collection Program: Technical Revisions to Healthcare Integrity and Protection Data Bank Data Collection Activities (RIN: 0991-AB31) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10169. A letter from the Regulations Coordinator, OS, Department of Health and Human Services, transmitting the Department's final rule—Civil Money Penalties: Procedures for Investigations, Imposition of Penalties, and Hearings-Extension of Expiration Date [CMS-0010-IFC] (RIN: 0938-AM63) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10170. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Fuel System Integrity and Electric Powered Vehicles: Electrolyte Spillage and Electrical Shock Protection [Docket No. NHTSA-2004-18900] (RIN: 2127-AJ45) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10171. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA-2004-18905] (RIN: 2127-AJ42) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10172. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems [Docket No. NHTSA-2004-19032] (RIN: 2127-AG36) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10173. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems [Docket No. NHTSA-2004-19076] (RIN: 2127-AF83) received September 22, 204, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10174. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment [Docket No. NHTSA-2004-18794] (RIN: 2127-AF75) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10175. A letter from the Attorney-Advisor, NHTSA, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Child Restraint Anchorage Systems [Docket No. NHTSA-2004-18793] (RIN: 2127-AJ39; RIN: 2127-AH85) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10176. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Motor Vehicle Safety; Disposition of Recalled Tires [Docket No. NHTSA-2001-10856; Notice 3] (RIN: 2127-AI29) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10177. A letter from the Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Certification; Importation of Vehicles and Equipment Suject to Federal Safety, Bumper and Theft

Prevention Standards; Registered Importers of Vehicles Not Originally Manufactured to Conform with the Federal Motor Vehicle Safety Standards; Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA-2000-8159; Notice 2] (RIN: 2127-AH67) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10178. A letter from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Apalachicola, Florida) [MB Docket No. 04-32; RM-10851] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10179. A letter from the Special Assistant to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments Digital Broadcast Television Stations (El Dorado, Arkansas)—received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10180. A letter from the Special Assistant to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton, IL) [MB Dkt No. 04-97; RM-10897; RM-10898]; (Cedarville, IL) [MB Dkt No. 04-98; RM-10899]; (Clifton, IL) [MB Dkt No. 04-99; RM-10900]; (Freeport, IL) [MB Dkt No. 04-100; RM-10901]; (Pickneyville, IL) [MB Dkt No. 04-101; RM-10902; RM-10903]; (Farmersburg, IN) [MB Dkt No. 04-102; RM-10904; RM-10905; RM-10906]; (Fowler, IN) [MB Dkt No. 04-103; RM-10907]; (Madison, IN) [MB Dkt No. 04-104; RM-10908]; (Terre Haute, IN) [MB Dkt No. 04-105; RM-10909; RM-10910; RM-10911]; (Council Grove, KS) [MB Dkt No. 04-106; RM-10912]; et. al. Received August 9, 2004, to the Committee on Energy and Commerce.

10181. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Tisbury, MA) [MB Dkt No. 04-113; RM-10923]; (Hubbardston, MI) [MB Dkt No. 04-114; RM-10924; RM-10925]; (Laurie, MO) [MB Dkt No. 04-116; RM-10927]; (Dillsboro, NC) [MB Dkt No. 04-118; RM-10929]; (Berthold, ND) [MB Dkt. No. 04-119; RM-10930]; (Amherst, NY) [MB Dkt No. 04-120; RM-10931]; (Cordell, OK) [MB Dkt No. 04-121; RM-10932]; (Weatherford, OK) [MB Dkt No. 04-122; RM-10933; RM-10934]; (Wynnewood, OK) [MB Dkt No. 04-123; RM-10935]; (Madras, OR) [MB Dkt No. 04-125; RM-10940] Received September 7, 2004, pursuant to 5 U.S.C. to the Committee on Energy and Commerce.

10182. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Crisfield, Maryland; Belle Haven, Cape Charles, Exmore, Nassawadox, and Poquoson, Virginia) [MB Docket No. 02-76; RM-10405; RM-10499] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10183. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Liberty, PA) [MB Dkt No. 04-127; RM-10941]; (Susquehanna, PA) [MB Dkt No. 04-128; RM-10942]; (Barnwell, SC) [MB Dkt No. 04-129; RM-10943]; (Burnet, TX) [MB Dkt No. 04-130; RM-10944]; (Denver City, TX) [MB Dkt No. 04-131; RM-10945]; (Van Alstyne, TX) [MB Dkt No. 04-132; RM-10946]; (Fountain Green, UT) [MB Dkt No. 04-133; RM-10947]; (Shenandoah, VA) [MB Dkt No. 04-135; RM-10949; RM-10950]; (Augusta, WI) [MB Dkt No. 04-136; RM-10951]; (Hayward, WI) [MB Dkt No. 04-137; RM-10952]; (St. Marys, WV) [MB Dkt No. 04-138; RM-10953; RM-10954] Received September to the Committee on Energy and Commerce.

10184. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Goldsboro, Smithfield, Louisburg, and Rolesville, North Carolina) [MM Docket No. 02-40; RM-10377; RM-10508] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10185. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Anniston, AL) [MB Dkt No. 04-79; RM-10873; RM-10874]; (Somerton, AZ) [MB Dkt No. 04-83; RM-10878]; (Sutter Creek, CA) [MB Dkt No. 04-85; RM-10880; RM-10881]; (Westley, CA) [MB Dkt No. 04-86; RM-10882; RM-10883; RM-10884; RM-10885]; (Olathe, CO) [MB Dkt No. 04-87; RM-10886]; (Olathe, CO) [MB Dkt No. 04-88; RM-10887]; (Horseshoe Beach, FL) [MB Dkt No. 04-89; RM-10888]; (Live Oak, FL) [MB Dkt No. 04-90; RM-10889]; (Asbury, IA) [MB Dkt No. 04-91; RM-10890; RM-1891]; (Keosauqua, IA) [MB Dkt No. 04-92; RM-10892; RM-10893]; (Moville, IA) [MB Dkt No. to the Committee on Energy and Commerce.

10186. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Seymour and Sellersburg, Indiana) [MB Docket No. 03-98; RM-10688] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10187. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Hilton Head Island, Hollywood and Port Royal, South Carolina) [MB Docket No. 02-198; RM-10513] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10188. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Jasper, Florida) [MB Docket No. 02-274; RM-10560]; (Tigerton, Wisconsin) [MB Docket No. 02-275; RM-10561] received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10189. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b) Table of Allotments, Digital Broadcast Television Stations (Moscow, Idaho) [MB Docket No. 02-315; RM-10566] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10190. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Yuba City and Lincoln, California) [MB Docket No. 04-24; RM-10846] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10191. A letter from the Legal Advisor to the Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz bands [WT Docket No. 03-66; WT Docket No. 03-67; MM Docket No. 97-217; WT Docket No. 02-68; WT Docket No. 00-230; RM-10586; FCC 04-135] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10192. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule—Improving Public Safety Communications in the 800 MHz Band [WT Docket 02-55]; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels [ET Docket No. 00-258]; 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 [RM-9498]; Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service [RM-10024]; et. al. Received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10193. A letter from the Senior Legal Counsel, WCB, Federal Communications Commission, transmitting the Commission's final rule—Request to Update Default Compensation Rate for Dial-Around Calls from Payphones [WC Docket No. 03-225] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10194. A letter from the Attorney, WCB, Federal Communications Commission, transmitting the Commission's final rule—Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338]; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 [CC Docket No. 96-98]; Deployment of Wireline Services Offering Advanced Telecommunications Capability [CC Docket No. 98-147] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10195. A letter from the Attorney, WCB, Federal Communications Commission, transmitting the Commission's final rule—Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers [CC Docket No. 01-338] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10196. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule—Modification of Parts 2 and 15 of the Commission's Rules for unlicensed devices and equipment approval [ET Docket No. 03-201] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10197. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Space Station Licensing Rules and Policies [IB Docket No. 02-34] received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10198. A letter from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting the Commission's final rule—Review of the Spectrum Sharing Plan Among Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands [IB Docket No. 02-364]; 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 [ET Docket No. 00-258] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10199. A letter from the Chief, Disability Rights Office, CGB, Federal Communications Commission, transmitting the Commission's final rule—Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities [CC Docket No. 90-571; CC Docket No. 98-67; CG Docket No. 03-123] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10200. A letter from the General Counsel, Markets, Tariffs, and Rates, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992 [Docket No. RM93-11-002] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10201. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (RIN: 3084-AA74) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10202. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Contact Lens Rule (RIN: 3084-AA95) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10203. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Telemarketing Sales Rule Fees (RIN: 3084-0098) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10204. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Tire Advertising and Labeling Guides—received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10205. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-MPC Revision (RIN: 3150-AH50) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10206. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Generic Letter 2004-02: Potential impact of debris blockage on emergency recirculation during design basis accidents at pressurized-water reactors—received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10207. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-530, ''Gallery Place Project Graphics Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

10208. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-528, ''Fleeing Law Enforcement Prohibition Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

10209. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-529, ''Alcoholic Beverage Penalty Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

10210. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-531, ''Unemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

10211. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-532, ''Juvenile Justice Temporary Act of 2004,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

10212. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Indiana Regulatory Program [Docket No. IN-154-FOR] received September 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10213. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's ''Major'' final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AT53) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10214. A letter from the Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Mexican Spotted Owl (RIN: 1018-AG29) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10215. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida (RIN: 1018-AT65) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10216. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Topeka Shiner (RIN: 1018-AI20) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10217. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus magdalenae var. peirsnii (Peirson's milk-vetch) (RIN: 1018-AI77) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10218. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-216-FOR] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10219. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Law and Order on Indian Reservations (RIN: 1076-AE53) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10220. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Recreational Fishery; Fishing Year 2004; New York Measures [Docket No.040326103-4239-03; I.D.031504A] (RIN: 0648-AQ82) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10221. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Final 2004 Harvest Specifications for Skates [Docket No.040223064-4136-02; I.D.020404F] received October 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10222. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rougheye Rockfish in the Bering Sea and Aleutian Islands [Docket No.031124287-4060-02; I.D.092004D] received October 4, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10223. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota (IFQ) Program; Community Purchase [Docket No.030922237-4183-03; I.D.082503D] (RIN: 0648-AQ98) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10224. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D.071504A] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10225. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D.072204F] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10226. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands [Docket No.031124287-4060-02; I.D.072604C] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10227. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.031125292-4061-02; I.D.090904C] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10228. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.090904] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10229. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Reallocation of Pacific Sardine [Docket No.031125290-4058-02; I.D090304A] (RIN: 0648-AQ97) received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10230. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Non-Community Development Quota Trawl Gear in the Chum Salmon Savings Area of the Bering Sea and Aleutian Islands Management Area [Docket No.031124287-4060-02; I.D.091304C] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10231. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D.072104B] received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10232. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #10—Adjustments of the Recreational Fishery from the U.S.-Canada Border to Cape Falcon, Oregon [Docket No.040429134-4135-01; I.D.083004B] received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10233. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #9—Adjustment of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border [Docket No. 040429134-4135-01; I.D. 082604A] received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10234. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Vessel Monitoring System (VMS) Requirement; Effective Date for Atlantic Shark Fisheries [Docket No.04050421-4142-01; I.D.042204B] (RIN: 0648-AS07) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10235. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka mackeral in the Gulf of Alaska [Docket No. 031125292-4061-01; I.D.072804D] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10236. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Flathead sole in the Bering Sea and Aleutian Islands [Docket No.031124287-4060-02; I.D.072904B] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10237. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.072804C] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10238. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Flathead Sole in the Bering Sea and Aleutian Islands [Docket No.031124287-4060-02; I.D.090204B] received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10239. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No.031125292-4061-02; I.D.092004G] received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10240. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No.031124287-4060-02; I.D.070904A] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10241. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP) [Docket No.040806232-4232-01; I.D.041404C] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10242. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D.091604A] received October 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10243. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Bottomfish and Seamont Groundfish Fishery; Fishing Moratorium [Docket No.04061787-4234-01; I.D.060704H] (RIN: 0648-AR85) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10244. A letter from the Acting Director, Office of Sustainable Fishery, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.031125292-4061-02; I.D.072604A] received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10245. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—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 [Docket No.040429134-4135-01; I.D.071304A] received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10246. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—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 [Docket No.040429134-4135-01; I.D.071304A] received June 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10247. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cad by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.090804A] received September 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10248. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Bluefish Fishery [Docket No.040507144-4213-02; I.D.043004A] (RIN: 0648-AQ85) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10249. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Authorization for Commercial Fisheries under the Marine Mammal Protection Act of 1972; Zero Mortality Rate Goal [Docket No.030630163-4205-03; I.D.052303F] (RIN: 0648-AR15) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10250. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.082704D] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10251. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.070904E] received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10252. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No.040910259-4259-01; I.D.091004A] (RIN: 0648-AS60) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10253. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.090904A] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10254. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' in the Central Regulatory Area of the Gulf of Alaska [Docket No.031152592-4061-02; I.D.072704B] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10255. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No.031125292-4061-02; I.D.072704C] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10256. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, ''Other Species'' in the Bering Sea and Aleutian Islands Management Area [Docket No.031124287-4060-02; I.D.072804E] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10257. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Bering Sea and Aleutian Islands [Docket No.031124287-4060-02; I.D.081804A] received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10258. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Removal of a Harvest Restriction for the Harvest Limit Area Atka Mackeral Fishery in the Aleutian Islands Subarea [Docket No.040521156-4228-02; I.D.051704E] (RIN: 0648-AS10) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10259. A letter from the Director, Regulations Management, Office of Regualtion Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects (RIN: 2900-AL77) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. House Resolution 776. Resolution of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation; adversely (Rept. 108–754 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee of Conference. Conference report on H.R. 4520. A bill to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (Rept. 108–755). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4264. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes; with an amendment (Rept. 108–756). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4893. A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978 (Rept. 108–757). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4588. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; with an amendment (Rept. 108–758). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4650. A bill to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Witchita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project (Rept. 108–759). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 4775. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project, and for other purposes (Rept. 108–760). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. H.R. 5135. A bill to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands, and for other purposes (Rept. 108–761). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 830. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (Rept. 108–762). Referred to the House Calendar.

Mrs. MYRICK: Committee on Rules. House Resolution 831. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–763). Referred to the House Calendar.

[Filed on October 8 (legislative day of October 7), 2004]

Mrs. MYRICK: Committee on Rules. House Resolution 832. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–764). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 833. Resolution providing for consideration of motions to suspend the rules (Rept. 108–765). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 834. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–766). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FARR (for himself, Mr. SHAYS, Mr. LEACH, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. BLUMENAUER, Mr. GEORGE MILLER of California, Ms. LEE, Mr. WEXLER, Mr. GREENWOOD, Ms. SOLIS, Ms. ESHOO, Mr. SHERMAN, Mr. MORAN of Virginia, Mr. BERMAN, Mr. HONDA, Mr. GRIJALVA, Mr. NADLER, Mrs. MALONEY, Mr. EVANS, Mr. ACKERMAN, and Mr. INSLEE):

H.R. 5242. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to captive mammals; to the Committee on the Judiciary.

By Mr. DEFAZIO (for himself, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. BOSWELL, Mr. COSTELLO, Mr. ABERCROMBIE, Mr. SANDERS, Mr. SCOTT of Virginia, Mr. CROWLEY, Mr. BAIRD, Mr. HINCHEY, Mr. HOLDEN, Mr. GUTIERREZ, Mrs. CHRISTENSEN, Mrs. MALONEY, Ms. NORTON, Mr. ETHERIDGE, Ms. MCCOLLUM, Ms. DELAURO, Ms. MCCARTHY of Missouri, Mr. CONYERS, Mr. MOORE, Mr. PALLONE, Mr. WEXLER, Mr. FILNER, and Mr. FORD):

H.R. 5243. A bill to amend the Public Health Service Act to provide for emergency distributions of influenza vaccine; to the Committee on Energy and Commerce.

By Mr. EVANS (for himself, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. RODRIGUEZ, Mr. MICHAUD, Ms. HOOLEY of Oregon, Mr. STRICKLAND, Mr. UDALL of New Mexico, Mrs. DAVIS of California, Ms. HERSETH, Mr. BAIRD, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, Mr. STENHOLM, Ms. BORDALLO, Mr. LANGEVIN, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, and Mr. LARSON of Connecticut):

H.R. 5244. A bill to improve programs for the identification and treatment of Post-Traumatic Stress Disorder in veterans and members of the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT:

H.R. 5245. A bill to extend the liability indemnification regime for the commercial space transportation industry; to the Committee on Science.

By Mr. CUMMINGS (for himself, Mrs. CHRISTENSEN, Mr. TOWNS, Ms. CORRINE BROWN of Florida, Mr. MEEKS of New York, Ms. LEE, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, and Mr. FATTAH):

H.R. 5246. A bill to amend title 18, United States Code, with respect to voter intimidation, and for other purposes; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself, Mr. BERMAN, Ms. KAPTUR, Mr. SHADEGG, Mr. SHIMKUS, and Mr. SMITH of New Jersey):

H.R. 5247. A bill to encourage the promotion of democracy, free, fair, and transparent elections, and respect for human rights and the rule of law in Ukraine; to the Committee on International Relations, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of Mississippi (for himself, Mr. PICKERING, Mr. WICKER, and Mr. THOMPSON of Mississippi):

H.R. 5248. A bill to designate the parcel of land containing the facility of the Agricultural Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the ''Thad Cochran Southern Horticultural Laboratory Site''; to the Committee on Agriculture.

By Mr. HOUGHTON:

H.R. 5249. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential gun safe for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. DEFAZIO (for himself and Mr. MICA):

H.R. 5250. A bill to amend title 49, United States Code, to make modifications to the Federal flight deck officer program; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts (for himself, Mr. GUTIERREZ, Mr. SHERMAN, Ms. WATERS, Mr. SANDERS, Ms. WATSON, Mr. CLAY, Mrs. MCCARTHY of New York, Ms. CARSON of Indiana, Mr. HINCHEY, Mr. PAUL, Mr. RANGEL, Mr. ACEVEDO-VILA, Mr. BRADY of Pennsylvania, Mr. SERRANO, Mr. DELAHUNT, Mr. DINGELL, Ms. LEE, Mr. WEINER, Mr. ACKERMAN, Ms. SLAUGHTER, Ms. SCHAKOWSKY, Mr. WAXMAN, and Mrs. MALONEY):

H.R. 5251. A bill to clarify the applicability of State law to national banks, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY (for himself and Mr. WAXMAN):

H.R. 5252. A bill to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to the availability to the public of information on clinical trials to determine the safety and effectiveness of drugs, biological products, and devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself and Mr. TOM DAVIS of Virginia):

H.R. 5253. A bill to make technical corrections in patent law; to the Committee on the Judiciary.

By Mr. DAVIS of Florida (for himself, Mr. KIND, Mr. SMITH of Washington, Mr. BLUMENAUER, Mr. CHANDLER, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. ETHERIDGE, Mr. FORD, Ms. HOOLEY of Oregon, Mr. LARSEN of Washington, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, and Mr. SNYDER):

H.R. 5254. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the costs of providing technical training for employees; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. DAVIS of Florida, Mr. SMITH of Washington, Mr. HOLT, Mr. BLUMENAUER, Mr. CHANDLER, Mr. DAVIS of Alabama, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. ETHERIDGE, Mr. FORD, Ms. HOOLEY of Oregon, Mr. LARSEN of Washington, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PRICE of North Carolina, and Mr. SNYDER):

H.R. 5255. A bill to direct the National Science Foundation to establish a competitive grant program for institutions of higher education to enhance education and job training opportunities in mathematics, science, engineering, and technology; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 5256. A bill to suspend temporarily the duty on Polyethylene HE2591; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H.R. 5257. A bill to provide that members of the Armed Forces and Selected Reserve may transfer certain educational assistance benefits to dependents, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS:

H.R. 5258. A bill to provide that the Secretary of Education may give preference, in the distribution of certain grants under the Individuals with Disabilities Education Act, to local educational agencies and public or private nonprofit organizations that provide training to regular education personnel to meet the needs of children with disabilities; to the Committee on Education and the Workforce.

By Ms. DELAURO (for herself, Ms. SLAUGHTER, Ms. LEE, and Ms. ROYBAL-ALLARD):

H.R. 5259. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food intended for human consumption, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself and Mr. TURNER of Ohio):

H.R. 5260. A bill to extend the life of the Advisory Committee on Veterans Business Affairs until September 30, 2006; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 5261. A bill to amend title 39, United States Code, to provide for free mailing privileges for personal correspondence and parcels sent by family members from within the United States to members of the Armed Forces serving on active duty in Iraq or Afghanistan; to the Committee on Government Reform.

By Mr. FOSSELLA:

H.R. 5262. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for uncompensated education costs incurred by veterans' survivors and dependents who are in receipt of educational assistance under chapter 35 of title 38, United States Code; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 5263. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon William Morales and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on International Relations.

By Mr. LANGEVIN:

H.R. 5264. A bill to authorize the use of Strategic Petroleum Reserve capacity above 700,000,000 barrels to address sustained petroleum product price increases; to the Committee on Energy and Commerce.

By Mrs. MALONEY:

H.R. 5265. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission (Kiddie Mac) to certify such facilities for such insurance, and for other purposes; to the Committee on Financial Services.

By Mr. MCINNIS:

H.R. 5266. A bill to amend the Internal Revenue Code of 1986 to encourage investment in facilities which use woody biomass to produce electricity; to the Committee on Ways and Means.

By Mr. ORTIZ:

H.R. 5267. A bill to improve the security clearance process and increase the number of detention beds along the United States-Mexico border; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 5268. A bill to amend title 49, United States Code, to require the National Transportation Safety Board to investigate all fatal railroad grade crossing accidents; to the Committee on Transportation and Infrastructure.

By Ms. PRYCE of Ohio (for herself and Mrs. MALONEY):

H.R. 5269. A bill to combat unlawful commercial sex activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sex activities, and for other purposes; to the Committee on the Judiciary.

By Mr. RENZI:

H.R. 5270. A bill to make careers in public service more feasible for students who graduate with high educational loan debt; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself and Mr. LAMPSON):

H.R. 5271. A bill to direct the Secretary of Defense to establish and award a decoration, to be known as the ''Coalition of the Willing Medal'', to members of the military services of nations participating with the United States in Operation Enduring Freedom and Operation Iraqi Freedom; to the Committee on Armed Services.

By Mr. STEARNS (for himself, Mr. OSBORNE, and Mr. KING of New York):

H.R. 5272. A bill to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. BLUNT, Mr. POMBO, Mr. HERGER, Mr.

MATSUI, Mr. DOOLITTLE, Mr. TERRY, Mr. CASE, Mr. OSE, Mr. OSBORNE, Mr. NUNES, Mr. RYUN of Kansas, Mr. RADANOVICH, Mr. CARDOZA, and Mr. MOORE):

H.R. 5273. A bill to convert certain temporary judgeships to permanent judgeships, to create an additional judgeship for the district of Nebraska and for the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. POMBO, Mr. HERGER, Mr. MATSUI, Mr. DOOLITTLE, Mr. OSE, Mr. NUNES, Mr. RADANOVICH, and Mr. CARDOZA):

H.R. 5274. A bill to create an additional judgeship for the eastern district of California, and for other purposes; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. GEORGE MILLER of California, Mr. RAHALL, and Mr. KILDEE):

H.R. 5275. A bill to provide for the remittance to certain Indian veterans of amounts withheld from military basic pay for State income tax purposes for periods of time those veterans were in active service and were domiciled in Indian country; to the Committee on Armed Services.

By Mr. VAN HOLLEN (for himself, Mr. ALLEN, Mr. BACA, Ms. CARSON of Indiana, Mr. CONYERS, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DOGGETT, Mr. EVANS, Mr. FARR, Mr. FOLEY, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GORDON, Mr. GREEN of Texas, Ms. ROS-LEHTINEN, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Mrs. JONES of Ohio, Mr. KIND, Ms. LEE, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. TIERNEY, Ms. WATSON, Mr. WU, and Mr. WYNN):

H.R. 5276. A bill to require that a conversion to contractor performance of an activity or function of the Federal Government may not result in the loss of employment of any Federal worker with a severe disability employed in that activity or function; to the Committee on Government Reform.

By Mr. WEINER (for himself, Mr. KELLER, Mr. STUPAK, Mr. QUINN, Mr. ANDREWS, Mr. PLATTS, Mr. HOLDEN, Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. ACKERMAN, Mr. ALLEN, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Mr. BECERRA, Mr. BELL, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOSWELL, Mr. BOUCHER, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CASE, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. COSTELLO, Mr. CRAMER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DICKS, Mr. DINGELL, Mr. DOGGETT, Mr. DOOLEY of California, Mr. DOYLE, Mr. EDWARDS, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GONZALEZ, Mr. GORDON, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KLECZKA, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. LOBIONDO, Ms. LOFGREN, Mrs. LOWEY, Mr. LUCAS of Kentucky, Mr. LYNCH, Ms. MAJETTE, Mrs. MALONEY, Mr. MARKEY, Mr. MARSHALL, Mr. MATHESON, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RANGEL, Mr. REYES, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SANDLIN, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SHIMKUS, Mr. SKELTON, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SNYDER, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STENHOLM, Mr. STRICKLAND, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of Mississippi, Mr. TERRY, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER of Texas, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Mr. MURTHA, and Ms. BORDALLO):

H.R. 5277. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mr. WEINER (for himself and Mr. MORAN of Kansas):

H.R. 5278. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, to ensure integrity in the operation of pharmacy benefit managers, and to preserve access standards to community pharmacies under the Medicare outpatient prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 5279. A bill to suspend temporarily the duty on Nylosan red F-GS SGR; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5280. A bill to suspend temporarily the duty on Basic yellow 94; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5281. A bill to suspend temporarily the duty on Acid brown 298; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5282. A bill to suspend temporarily the duty on Basic blue 154; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5283. A bill to suspend temporarily the duty on Disperse blue 281; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5284. A bill to suspend temporarily the duty on Acid red 336; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5285. A bill to suspend temporarily the duty on Direct blue 90; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5286. A bill to suspend temporarily the duty on 1,4-Benzenedicarboxylic acid, polymer with N,N'-bis(2-aminoethyl)- 1,2-ethanediamine, cyclized, methyl sulfates; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5287. A bill to suspend temporarily the duty on Acid yellow 235; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 5288. A bill to suspend temporarily the duty on Acid blue 324; to the Committee on Ways and Means.

By Mr. WU (for himself, Mr. BLUMENAUER, Ms. HOOLEY of Oregon, and Mr. DEFAZIO):

H.R. 5289. A bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Resources.

By Mr. CARSON of Oklahoma (for himself, Mr. COLE, and Mr. SULLIVAN):

H. Con. Res. 511. Concurrent resolution expressing the sense of the Congress with respect to Inez Sitter; to the Committee on Resources.

By Mr. CHABOT (for himself and Mr. BROWN of Ohio):

H. Con. Res. 512. Concurrent resolution expressing the sense of Congress regarding the European Union's plans to lift the embargo on arms sales to the People's Republic of China; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H. Con. Res. 513. Concurrent resolution commending the first United States kindergarten, established in College Point, New York, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SESSIONS:

H. Res. 835. A resolution electing a Member to a certain standing committee of the

House of Representatives; considered and agreed to.

By Mr. ENGLISH:

H. Res. 836. A resolution urging the Senate to give its advice and consent to ratification of Convention No. 87 Concerning Freedom of Association and Protection of the Right to Organize as adopted by the International Labor Conference; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. CASE, Mr. SANDLIN, Mr. DINGELL, and Mr. CARDOZA):

H. Res. 837. A resolution amending the Rules of the House of Representatives to establish a standing Committee on Homeland Security and a standing Committee on Intelligence (with jurisdiction over appropriations for intelligence activities), and for other purposes; to the Committee on Rules.

By Mr. NADLER (for himself and Mr. LANTOS):

H. Res. 838. A resolution expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations; to the Committee on International Relations.

By Mr. PITTS:

H. Res. 839. A resolution urging a peaceful resolution of the conflict over Kashmir, and for other purposes; to the Committee on International Relations.

By Mr. PITTS (for himself, Mr. SAM JOHNSON of Texas, Mr. GILCHREST, Mr. BISHOP of Georgia, Mr. ALEXANDER, Mr. ISSA, Mr. GOODE, Mr. WILSON of South Carolina, Mr. BUTTERFIELD, Mr. JONES of North Carolina, Mr. WOLF, Mr. OSBORNE, Mr. KOLBE, Mr. DEAL of Georgia, Mr. GARY G. MILLER of California, Mr. BACHUS, Mr. CUNNINGHAM, Mr. FROST, Mr. LIPINSKI, Mr. MARSHALL, and Mr. PEARCE):

H. Res. 840. A resolution honoring the members of the United States Armed Forces who served in the Vietnam War, and expressing the appreciation of the House of Representatives for the service and sacrifice of all veterans of the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. SOUDER (for himself and Mr. CUMMINGS):

H. Res. 841. A resolution supporting the goals of Red Ribbon Week; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 295: Mr. ISRAEL.

H.R. 434: Mr. TAYLOR of North Carolina and Mr. CARSON of Oklahoma.

H.R. 545: Mr. MCCOTTER.

H.R. 623: Mr. KILDEE.

H.R. 677: Mr. BERRY and Mr. MARSHALL.

H.R. 717: Mr. ROTHMAN.

H.R. 727: Mr. SERRANO.

H.R. 785: Mr. MEEHAN.

H.R. 792: Mr. KUCINICH.

H.R. 1043: Mr. DEMINT and Mr. MURPHY.

H.R. 1294: Mr. WALSH.

H.R. 1322: Mr. MORAN of Virginia.

H.R. 1359: Mr. WALSH.

H.R. 1477: Mr. ISSA.

H.R. 1563: Mr. HOLT.

H.R. 1639: Mr. GONZALEZ.

H.R. 1726: Ms. KILPATRICK.

H.R. 1811: Mr. CUMMINGS, Mr. SABO, and Mr. MEEHAN.

H.R. 1812: Mr. SMITH of Washington.

H.R. 1886: Mr. JOHN and Mr. JACKSON of Illinois.

H.R. 2037: Mr. MARKEY.

H.R. 2042: Mr. MEEHAN.

H.R. 2045: Mr. TAYLOR of North Carolina.

H.R. 2225: Ms. SCHAKOWSKY, Mr. GREEN of Texas, Ms. KAPTUR, Mr. MCDERMOTT, Mr. FILNER, Mr. WEXLER, and Mr. NADLER.

H.R. 2440: Mr. SMITH of Washington and Mr. MOORE.

H.R. 2570: Mr. MEEHAN.

H.R. 2592: Mr. CUMMINGS.

H.R. 2735: Mr. HONDA and Mr. LAMPSON.

H.R. 2741: Mr. FILNER.

H.R. 2801: Mr. CUMMINGS.

H.R. 2823: Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. BALLENGER, and Mr. BAKER.

H.R. 2950: Mr. SHIMKUS.

H.R. 2952: Mr. KIND.

H.R. 3438: Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. DAVIS of Tennessee, Mrs. DAVIS of California, and Ms. SOLIS.

H.R. 3459: Mr. FARR, Ms. LOFGREN, Mr. JEFFERSON, Ms. DEGETTE, and Mr. CAPUANO.

H.R. 3579: Mr. UDALL of Colorado.

H.R. 3634: Mr. NADLER.

H.R. 3643: Mr. MEEHAN.

H.R. 3656: Mr. GRIJALVA.

H.R. 3729: Ms. WATSON and Mr. ORTIZ.

H.R. 3758: Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. BERRY, and Ms. MCCOLLUM.

H.R. 3780: Mr. CUMMINGS.

H.R. 3799: Mr. CANNON.

H.R. 3810: Mr. CUMMINGS.

H.R. 3820: Mr. OLVER.

H.R. 3859: Mr. BROWN of Ohio, Ms. MCCARTHY of Missouri, Mr. MATSUI, and Mr. RUSH.

H.R. 3965: Mr. BRADLEY of New Hampshire.

H.R. 4026: Mr. STUPAK.

H.R. 4110: Mrs. CAPPS and Mr. SCHIFF.

H.R. 4150: Mr. MARSHALL.

H.R. 4334: Mr. KILDEE.

H.R. 4343: Mr. HEFLEY.

H.R. 4354: Mr. CLAY.

H.R. 4367: Ms. BORDALLO, Mr. CUMMINGS, Ms. KILPATRICK, Ms. LEE, Mr. DOGGETT, Mr. KILDEE, Mr. GONZALEZ, Mr. HOLDEN, Mr. DAVIS of Tennessee, Mr. MCINTYRE, Mr. COOPER, Mr. BOYD, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. PASTOR, and Mr. ISRAEL.

H.R. 4370: Ms. LINDA T. SANCHEZ of California, and Mr. TIERNEY.

H.R. 4433: Mr. FARR, Mr. LANTOS, Ms. KILPATRICK, and Mr. ANDREWS.

H.R. 4434: Mr. SIMMONS, Ms. MCCOLLUM, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. OBERSTAR, Mr. SANDERS, Mr. POMEROY, Mr. FROST, Mr. LARSON of Connecticut, and Mr. MURTHA.

H.R. 4463: Mr. MCGOVERN and Mr. CUMMINGS.

H.R. 4473: Mr. DOYLE.

H.R. 4488: Mr. LEWIS of Kentucky.

H.R. 4575: Mr. LEWIS of Georgia and Mr. KENNEDY of Rhode Island.

H.R. 4610: Mrs. MCCARTHY of New York.

H.R. 4669: Mr. MILLER of Florida.

H.R. 4676: Mr. BERMAN, Ms. WOOLSEY, Mr. COBLE, Mr. OWENS, and Mr. KING of New York.

H.R. 4685: Ms. BORDALLO and Mr. UPTON.

H.R. 4694: Mr. HINCHEY.

H.R. 4706: Mr. HOEFFEL, Mr. WU, Mr. EMANUEL, Mr. BLUMENAUER, Mrs. TAUSCHER, and Mr. UDALL of New Mexico.

H.R. 4779: Mr. GOODE.

H.R. 4849: Mr. GORDON.

H.R. 4851: Mr. PENCE.

H.R. 4875: Mr. BURR.

H.R. 4902: Ms. HERSETH.

H.R. 4910: Mr. FATTAH, Mr. GEPHARDT, Mr. MEEK of Florida, Mr. ENGEL, and Mr. LYNCH.

H.R. 4927: Mr. DICKS and Mr. MOORE.

H.R. 4936: Mr. KILDEE.

H.R. 4940: Ms. PRYCE of Ohio.

H.R. 4948: Mr. RANGEL.

H.R. 4965: Mr. WEXLER.

H.R. 4973: Mr. BROWN of Ohio, Mr. BELL, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. DUNCAN, and Mr. OWENS.

H.R. 4986: Mr. GORDON and Mr. MCCOTTER.

H.R. 4994: Mr. KENNEDY of Rhode Island and Ms. HARMAN.

H.R. 5055: Mr. DICKS, Mr. SESSIONS, Mr. BERMAN, and Mr. COX.

H.R. 5121: Mr. DAVIS of Florida.

H.R. 5128: Mr. CANNON and Mr. MICHAUD.

H.R. 5144: Mr. GINGREY and Mr. RUSH.

H.R. 5150: Mr. MICHAUD, Mr. BAIRD, and Mr. CARDOZA.

H.R. 5155: Mr. HINCHEY.

H.R. 5166: Mr. BALLENGER and Mr. MCDERMOTT.

H.R. 5167: Mr. SKELTON and Mr. ALEXANDER.

H.R. 5177: Mr. POMEROY.

H.R. 5190: Mr. RAHALL and Mr. MCINTYRE.

H.R. 5191: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. UDALL of Colorado.

H.R. 5193: Mrs. JO ANN DAVIS of Virginia, Mr. PORTER, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. SHERMAN, Mr. MCCOTTER, and Ms. HARRIS.

H.R. 5197: Ms. HERSETH.

H.R. 5199: Mr. PETERSON of Minnesota.

H.R. 5203: Mr. ALLEN.

H.R. 5211: Mr. PITTS, Mr. FARR, and Mr. TAUZIN.

H.R. 5226: Mr. OTTER and Mr. JENKINS.

H. Con. Res. 213: Mr. MEEHAN.

H. Con. Res. 441: Mr. BOOZMAN.

H. Con. Res. 495: Mr. SNYDER.

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Senate

INTELLIGENCE COMMITTEE REORGANIZATION—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Nevada is recognized.

Mr. REID. Mr. President, everybody should stay where they are. We are going to have a vote in a few minutes, unless something goes awry. In the next 3 or 4 minutes, there will be a vote.

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

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

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 2938 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

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

AMENDMENT NO. 3994

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. The Chambliss-Kennedy amendment No. 3994.

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

Mr. REID. Will the Senator reconsider?

Mr. CHAMBLISS. I withdraw that request.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3994.

The amendment (No. 3994) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3995

Mr. MCCONNELL. Mr. President, the pending business is the Bayh amendment?

The PRESIDING OFFICER. That is correct.

The Senator from Nevada.

Mr. REID. Mr. President, if I can make a suggestion, there are negotiations that need to take place on the Bayh amendment that has been offered. I respectfully suggest that there are two important meetings that are going to take place: one we are having and one the Republicans are having. I am wondering if it wouldn't be in the best interest of all—1 o'clock is the filing deadline for amendments—that the Senate stand in recess from 1 p.m. until 2 p.m. today.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I will not object to that request—in fact, I agree to it—but I also want to make the point that one of the most important amendments we anticipate is an amendment by Senator MCCAIN. I know earlier he had contacted us indicating he wanted to come over and offer it. Since we will be in recess under the consent agreement Senator REID is going to offer from 1 p.m. to 2 p.m., it is my hope Senator MCCAIN will be able to come over and offer that at 2 p.m. and we can get that in the queue.

Mr. REID. I make that request.

The PRESIDING OFFICER. Is there objection to a request for a recess from 1 p.m. to 2 p.m.? Without objection, it is so ordered.

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

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

USING INDIAN HEALTH SERVICE FACILITIES TO REGISTER NEW VOTERS

Mr. BINGAMAN. Mr. President, I wish to speak briefly about an article that was in yesterday's Washington Post that I thought raised a very disturbing issue of which the Senate needs to be aware. The article is entitled ''Indian Health Agency Barred New-Voter Drive.'' I will read a couple of paragraphs from the article so that people understand the issues.

It says:

Officials at a federal program that runs hospitals and clinics serving Native Americans this summer prohibited employees from using those facilities to sign up new voters, saying that even nonpartisan voter registration was prohibited on federal property.

Staff members at several Indian Health Service hospitals and clinics in New Mexico, a presidential battleground state where about one-tenth of the population is Native American, were trying to register employees, patients and family members who use the facilities.

In a July e-mail, Ronald C. Wood, executive officer of the program's regional Navajo office, told his hospital and clinic directors that ''we are in a very sensitive political season'' and he outlined a policy that he said came from Indian Health Service headquarters.

''There have been some recent questions about whether we can do nonpartisan voter registration drives in our IHS facilities during non-duty hours''. . . .''The guidance from HQs staff is that we should not allow voter

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

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registration in our facilities or on federal property.''

This is of concern because of the history of Native Americans being denied the right to vote in my State and perhaps in other parts of the country as well.

The history of this issue in New Mexico, very briefly, is that a returning Marine Corps veteran, someone who served in the Second World War in the Marine Corps, named Miguel Trujillo, was denied the right to vote in our State. In 1948, he had to bring suit in Federal court to obtain the right to vote. He was an Isleta Pueblo Indian member, and he was teaching at Laguna Pueblo in my State and was denied the right to vote as a Native American.

I should point out that his son Michael Trujillo went on to become the head of the Indian Health Service. His daughter Josephine Waconda was the first American Indian woman to be a rear admiral in the career Indian Health Service. So they have a tremendous part of our history in that family.

It is absolutely inexcusable that the Indian Health Service would be giving direction saying that it is inappropriate or illegal or prohibited for people to use Federal property or Indian Health Service facilities to register people to vote on a nonpartisan basis.

Yesterday, I sent a letter to Tommy Thompson, Secretary of Health and Human Services, urging that even though it is not going to affect this year's election since voter registration in our State is essentially over this week in New Mexico, even though it does not affect voter registration, it is imperative that he, as head of that Department, issue a policy and clarify that this is not the policy of the Department of Health and Human Services, this is not the policy of the Indian Health Service.

We have a very strong policy that is recognized in the Defense Department that they encourage military personnel and others who are part of the military family to participate in registering others, either on or off base, to vote. That is as it should be. That is on a nonpartisan basis. I think we all support that. We need to have the very same policy with regard to Indian Health Service facilities and Indian Health Service personnel.

I hope very much that Secretary Thompson will respond to my letter positively, will issue a directive so that it is clear from now on that Indian Health Service personnel are not in any way prohibited from participating in voter registration drives on a nonpartisan basis. This is an issue that deserves attention before it is lost in the shuffle of this campaign. I hope we can get a response from the Secretary in the near future.

Mr. President, I ask unanimous consent to print in the RECORD the letter I sent to Secretary Thompson.

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

U.S. SENATE,
October 6, 2004.

Hon. TOMMY THOMPSON,
Secretary, Department of Health and Human Services, 200 Independence Ave. SW, Washington, DC.

DEAR SECRETARY THOMPSON: I was dismayed to read a report in the Washington Post this morning that officials at the Indian Health Service were prohibiting employees at several locations in New Mexico from using IHS facilities to register new voters. While it would certainly not be appropriate or legal under the Hatch Act for federal employees to be involved in partisan political activity on federal property, the proposed Indian Health Service (IHS) voter registration program, as described in the Washington Post article, would not be prohibited under the Hatch Act because the program is described as nonpartisan. In addition, according to the article, the activity would take place during non-working hours, which should allay the fears of anyone concerned that the IHS employees would feel coerced to take part in the activity or that the program would interfere with employees' regular duties. As long as the program were conducted in a nonpartisan way, *e.g.* employees leading the effort do not attempt to influence the registrants in any way, and employees were free to choose whether or not to participate, it would be perfectly legal.

It is well known that the Defense Department has undertaken efforts to make sure that as many of its employees are registered to vote and participate in next month's elections as are eligible to do so. The Defense Department's efforts, like those proposed by Indian Health Agency employees, are designed to increase citizen involvement in one of the most important elections in our history. These are admirable goals that should be encouraged, not prohibited.

While it is clearly too late to clarify the Department's policy with regard to this year's election, I would still ask that you act as expeditiously as possible to issue a directive that makes it clear that the Department of Health and Human Services will not prohibit its employees from engaging in nonpartisan voter registration on federal property. In fact, I would hope that you would encourage your Department to engage in the same active voter registration efforts that the Department of Defense does. It is the right thing to do in the service of full participation in the democratic process, a goal that I know you share with me.

Please let me know of your plans to encourage voter registration as soon as possible.

Sincerely,

JEFF BINGAMAN.

Mr. BINGAMAN. Mr. President, I yield the floor, and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 1 p.m., recessed until 2:04 p.m. when called to order by the Presiding Officer (Mr. SESSIONS).

INTELLIGENCE COMMITTEE REORGANIZATION—Continued

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

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

The Senator from Arizona.

AMENDMENT NO. 3999 TO AMENDMENT NO. 3981

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up an amendment which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, and Mr. LOTT, Mr. LIEBERMAN, Ms. SNOWE, Mr. ROBERTS, and Mr. BAYH, proposes an amendment numbered 3999 to amendment No. 3981.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

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

(Purpose: To strike section 402 and vest intelligence appropriations jurisdiction in the Select Committee on Intelligence)

Strike section 402 and insert the following:

SEC. 402. JURISDICTION OVER INTELLIGENCE APPROPRIATIONS.

Notwithstanding subparagraph (b) of paragraph 1 of Rule XXV of the Standing Rules of the Senate, the Select Committee on Intelligence shall have jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation, rescission of appropriations, and new spending authority related to funding for intelligence matters.

Mr. MCCAIN. Mr. President, I don't expect that this amendment should require a lot of debate. It is an issue that we have all talked about a lot. It is all a question of turf and jurisdiction. It is something that would never be seriously considered by this body under any other circumstances except that we are talking about the war on terrorism and the overwhelming issue of how we are going to defend this Nation. I will be more than happy to agree to a time agreement with the appropriators who will lead the fight against this amendment which would be agreeable to them.

This Chamber can be very proud of its bipartisan work that resulted in the overwhelming passage of S. 2845, the National Intelligence Reform Act of

2004. That bill addressed 38 of the 9/11 Commission's 41 recommendations to further secure our homeland. Not only the two managers of that bill—Senator COLLINS and Senator LIEBERMAN—deserve our gratitude but the two leaders, as well, worked together to ensure the Senate acted on this important reform legislation prior to adjourning before the elections.

I ask unanimous consent that Senators LIEBERMAN, LOTT, SNOWE, ROBERTS, and BAYH be added as cosponsors.

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

Mr. MCCAIN. Mr. President, one of the Commission's two options which the Commission recommended for how best Congress can improve congressional structure over intelligence—the underlying resolution does not propose either of the Commission's two options creating either a joint committee modeled after the Joint Atomic Energy Committee or House and Senate committees with combined authorizing and appropriating powers.

Let me tell you what this is all about. The Commission report was clear that along with the need to reform the executive branch, congressional reform is needed. And I quote from the report:

> The other reforms we have suggested for a national counterterrorism center and national intelligence director will not work if congressional oversight does not change too.

I want to repeat that:

> The other reforms . . . will not work if congressional oversight does not change too.
>
> Unity of effort in executive management can be lost if it is fractured by divided congressional oversight.

We can't leave this week with our job incomplete. We have to address the Commission's recommendations regarding the urgent need to reform congressional oversight, intelligence and homeland security. To do this in a meaningful way to carry out the important institutional reforms recommended by the Commission, each of us in Congress must sacrifice our own self-interest. We do not serve the American public well with shortsighted, parochial turf battles.

The Commission acknowledges that this won't be an easy task.

The report states:

> 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 also stated:

> Tinkering with the existing structure is not sufficient.

It calls the congressional oversight "dysfunctional."

Their recommendations clearly state that we must have a committee with both authorizing and appropriating authority.

It is not any simpler nor more complicated than that.

I have a letter from the 9/11 Commission which states:

> If Senator McCain offers an amendment in support of Commission recommendations on Congressional oversight, we will support it.
>
> We urge the Senate to adopt provisions for the strongest possible reform of Congressional oversight.

I ask unanimous consent that three letters be printed in the RECORD.

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

OCTOBER 6, 2004.

Thomas H. Kean and Lee H. Hamilton, former Chair and Vice Chair of the National Commission on Terrorist Attacks Upon the United States (also known as the "9/11 Commission) today released the following statement:

"We continue to believe that reform of Congressional oversight is necessary in order for the Commission's overall recommendation to be effective."

"If Senator McCain offers an amendment in support of Commission recommendations on Congressional oversight, we will support it."

"The proposals of Senator McConnell and Reid constructive, positive and move in the right direction. They are useful and modest steps. They are not as far-reaching as those recommended by the Commission."

"We urge the Senate to adopt provisions for the strongest possible reform of Congressional oversight."

JOHN F. LEHMAN,
New York, NY, October 7, 2004.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR JOHN: I am writing to reiterate my strong support for real Congressional reform as recommended by the 9/11 Commission.

As our report makes clear, the important executive branch reforms that passed the Senate yesterday will not work if congressional oversight does not change too. Unfortunately, the McConnell/Reid proposal does not fulfill the Commission's vision for comprehensive reform. The intelligence committee needs real power and prominence, which is why the Commission strongly recommended a new committee structure combining authorizing and appropriating authority, and a simplified and functional homeland security committee structure.

I urge the Senate to make the Commission's recommendations for Congressional reform as high a priority as it made our other recommendations, which received an overwhelming bipartisan vote of 96.2. The Congressional reforms are equally important and necessary.

Sincerely,

JOHN F. LEHMAN.

October 7, 2004.

Senator JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I write to reaffirm my strong support for Congressional action to implement the recommendation of the 9/11 Commission Report to strengthen Congressional oversight of intelligence and homeland security.

As you know the bipartisan 9/11 Commission was unanimous in its recommendation that serious reform was necessary. In the language of the Commission: "Tinkering with the existing structure is not sufficient. . . . the goal should be a structure—codified by resolution with powers expressly granted and carefully limited—allowing a relatively small group of members of Congress, given time and reason to master the subject and the agencies, to conduct oversight of the intelligence establishment and be clearly accountable for their work."

This is best implemented by establishing a single committee in each house of Congress combining authorizing and appropriating authorities. Therefore, I endorse your amendment to the current bill which will ensure this single authority.

Thank you for your work to ensure that the recommendations of the 9/11 Commission are implemented.

Sincerely,

BOB KERREY.

Mr. MCCAIN. Mr. President, Bob Kerrey writes:

> I write to reaffirm my strong support for Congressional action to implement the recommendations of the 9/11 Commission Report to strengthen Congressional oversight of intelligence and homeland security.

Bob Kerrey, by the way, served here for two terms, as I recall, for 12 years.

He further states in his letter:

> This is best implemented by establishing a single committee in each House of Congress combining authorizing and appropriating authorities. Therefore, I endorse your amendment in the current bill which will ensure the single authority.
>
> Thank you for your work to ensure the recommendations of the 9/11 Commission are implemented.
>
> Sincerely, Bob Kerrey.

I would like to point out just as way of background how we got to the proposal we have on the table.

My understanding is both leaders appointed both whips—the Senator from Nevada and the Senator from Kentucky—as part of two 11-person committees to come up with recommendations.

We met a couple times, the 11 Republicans, and discussed various issues, then there was another meeting of both, and then we were told that Senator REID and Senator MCCONNELL would come up with some recommendations. That is not exactly what I had in mind when I was asked to serve as part of an 11-Senator committee. Here came these recommendations.

I don't want to digress but, for example, the Transportation Security Administration is left in the Commerce Committee. I am glad to have more discussions with the Senator from Kentucky about that.

I asked, How could the Transportation Security Administration not be made part of the new Homeland Security Committee? The Transportation Security Administration is the heart and soul of it. His answer was—maybe he will have a different answer—it was part of the negotiations. What does that mean?

I digress. The fact is, unless we give the authorizing committee the proper appropriating capability, we will continue to have, as the 9/11 Commission said, a dysfunctional oversight of intelligence. It is a good idea to make Intelligence Committee members permanent members and not have them term

limited. I think it is a good idea to have it an A committee, although that may cause significant problems if we do not give the Permanent Committee on Intelligence appropriating authority.

It is sometimes nice to have a real-world example of why we need this. I am not a member of the Intelligence Committee. I have no access to classified information. Frankly, I have never sought any because of the fear that some information I might have I might speak about in a public forum.

There was a very expensive and very controversial intelligence program, and the Intelligence Committee—this is a relatively short time ago—the Intelligence Committee, after many hearings, extensive scrutiny and a thorough scrubbing of this program, determined that the program should be canceled. We are talking about a multibillion-dollar program.

Do you know what happened? The Appropriations Committee funded it.

So if you are the bureaucrat over in Langley or at the National Security Agency or any place else, where do you go? Where do you go when you want your projects done? Do you go to the authorizing committee or do you go to the appropriating committee? The power resides in the purse. The Golden Rule prevails around here. We all know the Golden Rule.

So if we are going to have a truly effective Intelligence Committee oversight that can function with strength and power, we are going to have to give them appropriations authority. I predict after the initial attractiveness of serving on the Intelligence Committee, if they do not have appropriating authority, we will have difficulty getting people to serve on the authorizing committee because, again, the power is not there.

We know why many of the authorizing committees are not nearly as important or as powerful as they used to be. It is because the appropriations process is what drives not only the money but also the policy.

We are going to have an Omnibus appropriations bill sometime. Usually what happens, coincidentally, it is within 24 hours of when we go out of session. It always seems to work out that way. There will be numerous policy changes. There will be numerous moneys and earmarks put in. Last year there were 14,000 earmarks put in the appropriations bills, up from 4,000 in 1994.

We are going to see things that will astonish some Members. For example, I was astonished several years ago when there was a line item in an appropriations bill that called for the leasing of Boeing aircraft. We had never had a hearing in the Senate Armed Services Committee. We never looked at the issue. No one even suggested it, that I know of, and I have been on the committee for 18 years. There was a line item that appeared in an appropriations bill that said we would lease Boeing aircraft.

Do you know what happened since then? The GAO and the Office of Management and Budget determined that it was a $5.7 billion additional cost to the taxpayer. We now ended up, with this long trail that began with a line in an appropriations bill, with one of the former employees of the Department of Defense pleading guilty and receiving a 9-month prison term, saying she had rigged the contract to the benefit of Boeing aircraft.

Now, why do I bring up that example? Because I can tell Members right now that if that had been a subject for the Armed Services Committee, we would have had hearings on it. We would have examined the leasing idea and rejected it as the ridiculous, expensive idea that it was.

I can go with many other examples. Cruise ships that cost the taxpayers $200 million in loan guarantees that were half built at Pascagoula, MS. I can tell Members of line items in appropriations bills that say when the broadcasters reach 85 percent of high-definition television in 85 percent of the homes in America, which the Chairman of the Federal Communications Commission says will never happen—I could go over a long list of items that are not only money but also policy.

What will happen if we do not give the authorizing Intelligence Committee the appropriations power? Exactly what has happened in the past. Projects that cost a great deal of money that the Intelligence Committee either approves or disapproves of are overridden in the appropriations process. It happens time after time after time.

I usually pride myself in straight talk. I would be surprised if I win on this amendment. One of the Commissioners called me and told me, ''I'm under intense pressure''—those are his words—''not to support your amendment but I will go ahead and do so.''

There are Members of this Senate who are under intense pressure, as well.

If we want to tell the American people with the justified pride that we take in the actions we have achieved in the Senate in the last few days, which is remarkable—at least from my standpoint, one of the prouder moments I have experienced in the number of years I have spent here as we have gone through an incredible process, beginning with hearings before Senator COLLINS's committee back in August, which culminated in a tremendous achievement and the most significant governmental reform since 1947—then we have done about half to three-quarters of the job. If we do not give the authorizing committee either appropriating power or some kind of power, some kind of authority, then we will see a basically dysfunctional and toothless Intelligence Committee.

The Senator from Nevada came to me and said he was going to move to table. I tell the Senator from Nevada, one, I want everyone to be able to talk, so we will just reintroduce the amendment if it is tabled, unless everyone gets to talk. But I also say to the Senator from Nevada that I would be glad to enter into a time agreement for passage of this legislation. I intend to get an up-or-down vote. I will reintroduce it unless the Senator from Nevada allows an up-or-down vote on the amendment. I think it is that important.

Mr. REID. If I could, through the Chair to my friend from Arizona, I have no problem with an up-or-down vote. I would rather he told me he wanted an up-or-down vote. I would say fine. I have no problem.

I also say to my friend, I want to make sure everyone who wants to speak will have the opportunity. I have no problem at all with an up-or-down vote on this.

Mr. MCCAIN. I ask unanimous consent that Senator BAYH not be added as a cosponsor.

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

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My friend from Hawaii was on the floor first. Does he wish to speak on this matter?

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, today, the Senate is considering the resolution which responds to the recommendations of the 9/11 Commission to revamp the congressional oversight process for intelligence and homeland security. I would like to take this opportunity to say a few words about this matter.

The Commission recommended two options for Congress to consider regarding intelligence oversight. First, they suggested that the Congress could create a joint bicameral committee modeled after the Joint Committee on Atomic Energy, as they said, to streamline the congressional review over intelligence functions. They supported this idea because they believe we need to have a very powerful Intelligence Committee which can stand up to the administration and speak authoritatively for the Congress. I understand there is virtually no support within the Senate for this suggestion.

The other alternative suggested by the Commission was to give the Intelligence Committees the authority to appropriate funds, and this is the matter now being discussed. The Intelligence Committee—some of the members—believes the inability to appropriate funds allows the administration to play the Intelligence Committee off against the Appropriations Committee. They argue this weakens congressional oversight. My colleagues are undoubtedly aware that granting an authorization committee such authority would be unprecedented in modern times.

Chairman STEVENS and I were surprised that neither one of us was contacted by the members of the 9/11 Commission as they conducted their review

and prepared their recommendations. We were shocked that, without even consulting us or our House counterparts on the Appropriations Committee, they would recommend that Congress eliminate our role in intelligence oversight. As such, I cannot offer any personal explanation for the Commission's recommendation.

Furthermore, their report provides scant explanation why they believe the Appropriations Committee should be excluded from its mission to fund all Federal agencies. In fact, there is not a single word in the 9/11 Commission's report to suggest that the appropriations subcommittee was at fault in its oversight of the intelligence budget. Never once were we accused of that shortfall.

I believe the Intelligence Committee's role in spending authority is already powerful enough without any new authority. Under the National Security Act of 1947, as amended by section 504, the intelligence community cannot spend appropriated funds unless the funds are specifically authorized. Now, I think this is worth repeating. The intelligence community cannot spend appropriated funds unless the funds are specifically authorized. As such, the Select Intelligence Committee already has more authority than any standing committee.

Let me be clear about what that means. If the Appropriations Committee were to fund programs that were not included in the annual intelligence authorization bill, the appropriated funding for those programs cannot and will not be spent by the executive branch.

This authority is virtually unheard of in other budget functions. The authority was granted to the Intelligence Committee to ensure that the executive branch could not use the wide latitude provided in appropriations law to circumvent the will of the Congress. Appropriations acts are written with broad authority to hide the amounts for classified programs in large lump sums. This ensures that the amounts for these programs remain undisclosed. As such, the limits on spending for classified programs are very broad. The authorization requirement ensures that both committees agree on how much should be spent to provide a better check on the administration.

More important, I believe the idea of centralizing congressional oversight is not only a bad idea, it could be dangerous to the Nation. In all areas of Government, except intelligence, our system requires and allows public scrutiny. The media, nongovernment organizations, and even lobbyists all provide information and insight to Members of Congress on everything except intelligence.

Congress needs to have a system of checks and balances internal to the legislative branch because there are no other checks. We all remember Iran-Contra, which was able to go unchecked even though multiple committees had some degree of intelligence oversight. What chance would we have of uncovering that type of abuse if only one committee were examining intelligence matters?

We know there have been other abuses by the intelligence community. I remember a former chairman of the Senate Intelligence Committee expressing outrage to discover that the National Reconnaissance Office was spending significantly more money to build a new headquarters than the chairman was aware. I recall how Chairman STEVENS uncovered a slush fund in the same agency that had been accumulating outside of the knowledge of the Congress.

Do any of my colleagues really believe that having only one committee perform oversight of the intelligence community's budget will provide more effective oversight?

In addition, a single committee overseeing intelligence for the Senate would create a powerful czar. Little opportunity would exist for meaningful debate on intelligence budgets because so few Members would be aware of the details of intelligence matters. Of equal concern, a more powerful chairman could end up being co-opted or at least overly influenced by the intelligence community and potentially lose objectivity. The Senate would be at his or her mercy with little outside scrutiny. That is not an appropriate or effective form of oversight for the Congress.

Having a few committees cleared for intelligence programs, such as Armed Services, Appropriations, and Intelligence, and each with some role in determining how resources are provided would ensure that fewer bad ideas get legislated, and it would also create more effective oversight and competitive analysis by the Congress.

I also note that maintaining the link to the Appropriations Committee is beneficial to the intelligence community. Intelligence funding is protected by inclusion under the Appropriations Committee. By combining all appropriations resources, the committee has historically solved many intelligence shortfalls.

If the Appropriations Committee is removed from intelligence matters, it will be less likely to support intelligence requirements. First, the committee will not be as knowledgeable of intelligence needs. Second, it is human nature for chairmen and ranking members to care about the programs over which they have jurisdiction. If they do not have some oversight over intelligence programs, they will not have the link to the intelligence providers or necessarily the desire to help.

The Intelligence Committee would be subject to 302 budget reductions and other general reductions levied against all committees by the Budget Committee. To believe that they would be held harmless in across-the-board cuts or other cutbacks I think is very naive. Their funding level is more likely to be decreased than increased.

Linking Defense and Intelligence is critical. DOD cannot operate without good intelligence. The Defense Subcommittee has ensured that intelligence resources support the needs of the warfighter. Today, the Defense Subcommittee reviews the recommendations of both the Armed Services and Intelligence Committees. The Appropriations Committee can minimize redundancies and make sure that the needs of both Defense and Intelligence are met. Separating Defense from Intelligence through the creation of an all-powerful Intelligence Committee would hurt oversight and hurt the community they hope to help.

In recent testimony before the House Intelligence Committee former Deputy Defense Secretary, Defense Comptroller, and staffer to the Senate Armed Services Committee, Dr. John Hamre stated that the Intelligence and Armed Services Committees worry too much about input and not enough about output.

His counsel was to let the Appropriations Committee worry about input in the budget process, to determine what we should spend money on and let the authorizing committees worry about how the agencies are performing with these resources. He noted that the authorizing committees spend far too much time on the budget and therefore had insufficient time for oversight. I am pleased that the leadership has decided to recommend creating an Intelligence subcommittee on oversight to highlight its importance.

Since the Civil War it has been the mission of the Appropriations Committee to balance needs among competing priorities. While the 9/11 tragedy exposed problems with intelligence oversight, it did not expose problems with the appropriations process for intelligence. Certainly, nothing was uncovered that would be resolved by giving the Intelligence Committee the authority to appropriate funds.

The intelligence budget should not be considered in a vacuum. It needs to be considered in conjunction with the Defense budget. While some speculate we can simply separate national intelligence from military intelligence, it is not that simple. Many programs have both national and military, strategic or tactical, components. Military personnel provide a large proportion of the intelligence community workforce. The Defense Department and Intelligence Community both need to support maintaining this relationship and benefit from doing so. It should remain the Appropriations Committee's responsibility to ensure that the needs of both defense and intelligence are met.

The Collins-Lieberman bill that the Senate adopted yesterday recognizes the need for maintaining a close working relationship between DoD and intelligence. Creating an Intelligence Committee that could separate itself from all the other actors in the intelligence support arena would be, quite simply, a colossal mistake.

Some of our colleagues think that the Congress needs to reorganize dramatically to meet the challenges of the 21st century. There are also those that believe that the Intelligence Committee needs to be stronger. The resolution that has been offered by the leadership in fact will provide some significant enhancements to the authority of the Intelligence Committee which will hopefully improve oversight. However, I believe the real key to better oversight is for our authorizing committees to focus on outputs as Dr. Hamre noted and for the Appropriations Committee to focus an allocating resources as efficiently and effectively as possible.

I was the first chairman of the Senate Intelligence Committee. I have great regard for the work of that committee and a great fondness for its chairman and vice chairman. I have also served on the Appropriations Committee for the past 30 years. I understand the critical role that this committee plays in our Nation's security both in defense and intelligence. I can say with no false modesty that the work that Chairman STEVENS and the committee does in overseeing the intelligence budget with the assistance of our very experienced professional staff is unmatched anywhere in Congress.

As powerful as the Joint Committee on Atomic Energy was, it did not control appropriations. Maintaining Appropriations Committee control over funding would preserve a check on unlimited spending by an authorizing committee and would allow at least one other committee to have some review of Intelligence matters. I for one do not think that this is sufficient oversight, but it is clearly the minimum that the Senate should accept.

This is a very important matter. Senator REID and Senator MCCONNELL have spent the past 3 weeks deliberating on this issue. They have consulted with many Members who have competing interests in this arena. The resolution they propose represents a compromise that balances these many and varied views. I cannot say I am completely happy with their recommendation, but I can say this: Their recommendation is far superior to the alternative that is being proposed by the Senator from Arizona.

I urge all my colleagues to vote to support the bipartisan leadership and defeat the McCain amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that following my remarks, the Senator from Florida be recognized. He has kindly agreed to let me proceed because I am due at a conference committee meeting in 5 minutes.

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

Mr. ROBERTS. Will the Senator yield?

Mr. STEVENS. I yield to the Senator from Kansas.

Mr. ROBERTS. I ask unanimous consent that I be recognized after the distinguished Senator from Florida.

Mr. REID. Mr. President, I object. We can't do that. The Senator from Florida has been here since 2 o'clock. I think we should keep our regular order here.

Mr. MCCAIN. Reserving the right to object, and I will not object, the Senator from Florida, with all due respect, is not speaking on the amendment. Usually we go back and forth for and against the amendment.

Mr. REID. He is speaking on the amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. STEVENS. Mr. President, this amendment realigns responsibility for intelligence appropriations from the Appropriations Committee to the Intelligence Committee. This includes all funding relating to intelligence, national, joint military programs, and tactical military funding and classified intelligence matters as in FBI and other Government agencies.

I think it would be a mistake to adopt this amendment. First, it ignores the history of the appropriations process and the lessons we have learned in both Houses of Congress. In 1865, the House created the Appropriations Committee. The Senate followed suit in 1867. Then from 1867 to 1885, the House and Senate Appropriations Committees were stripped of their control over appropriations as one authorization committee after another gained the authority to report appropriations.

In 1885, both Houses realized this ad hoc approach was detrimental, and by 1922 both the House and Senate had reinvested appropriations authority back into one committee in each House. History has proven that moving appropriations to authorization committees creates a decentralized appropriations process that leads to greater spending and less accountability. That would be even more so today under the Budget Act.

In 1910, Congressman James Tawney, Chairman of the House Appropriations Committee from 1905 to 1911, said:

> The division of jurisdiction and responsibility in the matter of initiating appropriations has contributed more than any single cause to the enormous increase in the appropriations during recent years.

Congressman Tawney's conclusions were backed up by a 1987 study that found expenditures for rivers and harbors between 1877 and 1885 rose sharply after the authorizing committee gained the right to appropriate. A book published in 1989 by Charles Stewart III contains similar findings. Even after accounting for price changes, economics, population, and territorial growth, wars and major programmatic changes sponsored by the authorizing committee, Mr. Stewart found the greater decentralization of the appropriations between 1877 and 1885 led to greater spending.

Contrast those to the findings of a 1992 study conducted by James F. Kogan who found that deficits are rare and nonexistent when spending jurisdiction lies within the committee.

Let me go now to the 9/11 Commission recommendations. They are not only ill informed, but they are also unfounded. Not one line in the Commission's report stated that the Senate and House Appropriations Committees were not performing effective intelligence oversight—not one line. Consolidating appropriations and authorization for intelligence matters will undermine nearly 140 years of congressional tradition and ignore our years of experience in such matters.

I have heard some grumblings about how those of us who oppose provisions in this legislation are merely protecting turf. I am not interested in turf. I am interested in function as well as effective oversight. You cannot move the responsibilities for appropriations and authorizations around without having a real impact on function. And you certainly should not make recommendations that aim to do that without even discussing those broad, sweeping changes with the Members of Congress who are familiar with and part of the appropriations process.

My colleague from Hawaii has discussed this at length. I don't want to be redundant, but Dr. Hamre, whom he quoted, is not alone in his assessment that the budget issues are overemphasized when policy and appropriations are jointly considered. Listen to this. Even the 9/11 Commission acknowledged that risk on page 421 of their report, where they write:

> We also recommend that the Intelligence Committee should have a subcommittee specifically dedicated to oversight, freed from the consuming responsibility of working on the budget.

If budget issues pose such all-consuming risk to the entire oversight process, it is the view of this Senator that they should be used within a separate committee that would fully address them. This would encourage collaboration and coordination, the hallmarks of our Government system.

The legislative appropriations process works best where there is friction between the committees and bodies of Congress. That is what the Founding Fathers believed in, a system of checks and balances. It is our suggestion that the organizations of our Government are founded upon that concept, and this amendment doesn't reflect that philosophy.

The insights I offer are not an attempt to protect turf. They are recommendations I would have given to the 9/11 Commission had they talked to me or to my colleague from Hawaii. Given my 36 years in the Senate, 8 of which I have spent as chairman or ranking member of the Appropriations Committee, I think they are very important in this debate.

Mr. President, I will speak against this amendment. I have serious concerns about any effort that would move appropriations responsibilities from

the Appropriations Committee to the new Intelligence Committee.

I have spent over 30 years working on defense and intelligence matters. I have served as the Chairman of the Appropriations Committee for 6 years. Those experiences give me a unique perspective on the appropriations process, intelligence organizations, national security and defense. Based on that experience, I am very concerned about any effort that would combine appropriations and policy responsibilities and place them under the jurisdiction of a single committee.

Collapsing appropriations and policy functions and housing them in the new Intelligence Committee would be a mistake.

First, it ignores the history of the appropriations process and the lessons we have learned in both Houses of Congress.

In 1865, the House created the Appropriations Committee. The Senate followed suit in 1867. Then, from 1867 to 1885 the House and Senate Appropriations Committees were stripped of their control over appropriations as one authorization committee after another gained the authority to report appropriations. In 1885 both Houses realized that this ad hoc approach was detrimental, and by 1922, both the House and Senate had vested appropriations authority back in one committee.

History has proven that moving appropriations to authorization committees creates a decentralized appropriations process. And that leads to greater spending and less accountability.

In 1910, Congressman James Tawney, Chairman of the House Appropriations Committee from 1905 to 1911, said the ''division of jurisdiction and responsibility in the matter of initiating appropriations has contributed more than any single cause to the enormous increase in appropriations during recent years.''

Congressman Tawney's conclusions were backed up by a 1987 study that found that expenditures for rivers and harbors and agriculture between 1877 and 1885 ''rose sharply after authorizing committees gained the right to appropriate.''

A book published in 1989 by Charles H. Stewart III contained similar findings. Even after accounting for price changes; economic, population, and territorial growth; wars; and major programmatic changes sponsored by the authorizing committees, Mr. Stewart found that greater decentralization of the appropriations process between 1877 and 1885 led to greater spending.

Contrast those findings with a 1992 study conducted by John F. Cogan that found deficits are rare or nonexistent when spending jurisdiction lies within the Appropriations Committee, and I think you will agree, Mr. President, that we are better off with a centralized appropriations process.

Of course, when you look at how the 9/11 Commission conducted its investigation, it's not surprising that their recommendations ignore this history. Not one of the 9/11 commissioners or 9/11 commission staff members interviewed Senator INOUYE or me about intelligence oversight. Nor did they interview the Chairmen and Ranking Members of the House Appropriations Committee.

So, I do not find it surprising that their recommendations ignore decades of ''lessons learned'' by the House and the Senate. But, I do find it difficult to understand how the Commission could recommend a major realignment of Congressional organization and attempt to change the process for conducting Congressional business without ever speaking to any of the Members of Congress responsible for the appropriations process.

The 9/11 Commission's recommendations are not only ill-informed, they are also unfounded. Not one line in the Commission's report stated that the Senate and House Appropriations Committees were not performing effective intelligence oversight Not one line! And consolidating appropriations and authorization for intelligence matters would undermine nearly 140 years of Congressional tradition and would ignore our years of experience with such matters.

I have heard some grumblings about how those of us who oppose provisions in this legislation are merely protecting their ''turf.'' I'm not interested in ''turf.'' I am intensively interested in function as well as effective oversight. You can't move the responsibilities for appropriations and authorizations around without having a real impact on function. And you certainly shouldn't make recommendations that aim to do that without even discussing those broad and sweeping changes with the members of Congress who are familiar with and part of the appropriations process.

If the 9/11 Commission had asked me about these recommendations I would have told them that Congress has tried to place policy and appropriations functions under the jurisdiction of one committee before, with poor results. We have found that mixing policy legislation with appropriations legislation is inefficient and more importantly, not supportive of the individual processes. Those past experiences led to rules in the House and Senate that institutionalized the separation of policy and appropriations functions.

Every year, Congress needs to fulfill its appropriations responsibilities in a timely manner; if we don't, the government can't keep operating. But the appropriations timetable is completely at odds with the complex and controversial deliberations that surround most policy legislation.

History has shown that combining policy and appropriations functions leads us down one of two paths: either Congress rushes policy deliberations in order to meet fiscal year deadlines and risks adopting bad policy or we must delay the timely passage of appropriations bills in the interest of debating policy issues and we risk disrupting government operations.

Whichever path we follow we shortchange one goal in order to fulfill the other.

The 9/11 Commission hopes that if we combine policy and budget oversight in one committee, policy deliberations will guide our efforts. But my years of experience tell me it will have the opposite effect. Budget decisions will rule the committee and policy oversight will take a back seat.

Former Deputy Secretary of Defense John Hamre expressed concern about the dominance of budget issues in intelligence oversight when he testified before the Appropriations Committee a few weeks ago. He said:

> Frankly, the quality of congressional oversight is not good. It is not as strong as it needs to be. I think we are confusing it by this issue of consolidating authorizations and appropriations. I have said to the Armed Service Committees—I used to work there, as you know—that they have made a huge mistake thinking that they are powerful only by trying to do what you do, shape the dollars.
>
> There are reasons you have authorization committees. They are to set the broad trends and directions for the policy goals and to oversee the functioning of the Government. But they spend far too much time wanting to shape the way you appropriate little lines in the budget, and I think that is a mistake.
>
> You play a crucial and indispensable role. They play a crucial and indispensable role, but they are neglecting it, in my view, by putting too much time and attention on budget detail. I would like to see them spend far more time looking at the large purposes, the large policy directions, and overseeing the true functioning of these institutions. That is what I think was intended by having separate authorization and appropriations processes. They can be complementary, but during the last 20 years, frankly, they have been in conflict with each other. And I think that needs to change, and I will be glad to amplify on that further at another time.

But Dr. Hamre is not alone in his assessment that budget issues are overemphasized when policy and appropriations are jointly considered. Even the 9/11 Commission acknowledged this risk. On page 421 of their report they write:

> We also recommend that the intelligence Committee should have a subcommittee specifically dedicated to oversight, freed from the consuming responsibility of working on the budget.

If budget issues pose such an all-consuming risk to the entire oversight process, it is the view of this Senator that they should be housed within a separate committee that can fully address them, not delegated to subcommittee. This would encourage collaboration and coordination—hallmarks of our system of government.

Those kinds of experiences suggest that the language included in this amendment is the wrong way to address the budget and policy issues facing our nation's intelligence community. Consolidating appropriations and authorization into one committee

means fewer members of Congress and staff members will be looking at these complex issues—how does that improve Congressional oversight? It seems to me we would have less oversight, not more.

The legislative and appropriations process works best when there is friction between committees and bodies of Congress. That is what the Founding Fathers believed in—a system of check and balances. Our Constitution and the organization of our government are founded on that concept, and this amendment does not reflect that philosophy.

The insights I am offering are not attempts to protect ''turf.'' They are the recommendations that I would have offered had the 9/11 Commission interviewed me. Given my 36 years in the Senate 8 of which have been spent as chairman or ranking member of the Appropriations Committee—I think they are an important part of this debate.

Mr. COCHRAN. Mr. President, I oppose the amendment offered by the Senator from Arizona. The Senator's amendment would have the effect of harming the Senate's oversight capabilities and making it ineffective.

The Senator from Arizona argues that if we don't combine intelligence oversight and appropriations into a single committee we are wasting our time with reform efforts. I disagree. The resolution authored by the Senators from Kentucky and Nevada accomplishes all of the goals outlined by the 9/11 Commission and it does it in a way that maintains an established system of checks and balances we have had in the Senate since the Appropriations Committee was established in 1867. The appropriations and authorizing committees serve important but distinct and separate roles, and it would be unwise to combine them.

Currently, intelligence funding is shared by five appropriations subcommittees, and intelligence oversight is divided among three committees. Supporters of the Senator's amendment say that if you combine intelligence appropriations and authorization into a single committee, you will centralize and have more powerful oversight.

This is not the case. Not since the early 19th and 20th centuries did congressional committees originate both authorizing and appropriations bills. Programs back then were often authorized permanently. Oversight and appropriations functions were separated because it was determined that having joint authorizing and appropriations committees lead to greater spending and less accountability. We don't need to repeat that mistake of the past.

Another reason for opposing this amendment is a matter of practicality. The Intelligence Committee meets several times a week. I have heard from my colleagues on the committee that it is the most demanding committee assignment they have. Under the resolution their workload and responsibility will significantly increase. We would be asking the Intelligence Committee to take on even more work by adding appropriations responsibility. It would make their workload enormous.

For those who believe the Appropriations Committee divides responsibility for intelligence between too many subcommittees, this resolution addresses that complaint. The resolution would combine all intelligence appropriations into a new Intelligence Appropriations Subcommittee. While I would prefer we leave it to the Appropriations Committee to make the determination on whether this consolidation is warranted, I will support the resolution before us.

We have passed already this year, and the President has signed into law, the Defense Appropriations bill. This bill contains most of funding this year for the intelligence agencies of our government. We have not, however, been able to approve this year an Intelligence Authorization bill for the next fiscal year. I do not believe the Senator's amendment serves us well if intelligence funding would now be held hostage to policy disputes in the Intelligence Committee that are holding up passage of an authorization bill.

The resolution Senator MCCONNELL and REID have laid before the Senate is totally consistent with the 9/11 Commission's recommendations and we should approve it.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Florida is recognized.

Mr. GRAHAM of Florida. Mr. President, I am honored to have served 10 years on the Senate Select Committee on Intelligence, including the opportunity to serve 18 months as its chairman. Today, I will make some comments on the general context of congressional reform in support of reform of the intelligence agencies, including some specific remarks relative to the amendment that is on the floor at this time.

While some of us in Congress had recognized the problems within the Intelligence Community over the years—and we have been working on specific reforms—the tragedy of September 11, 2001, revealed systemic weaknesses that require sweeping changes. In the last few weeks, I have spoken about these issues in floor statements. We have now finished work on an excellent piece of legislation that will establish a strong national intelligence director and lay the groundwork for serious reform of our national intelligence community.

It is my hope the House of Representatives will soon follow our lead, so that we may proceed to conference and turn this legislation into law. Now it is time to turn to one final, critical component of reform: Us.

We in the Congress must be candid and admit that one of the targets of reform must be the current committee structure by which Congress has organized itself to provide oversight to the intelligence community. Our oversight has been proven to be haphazard at best. The 9/11 Commission report states:

> Of all our recommendations, strengthening congressional oversight may be among the most difficult and the most important. So long as oversight is governed by current congressional rules and resolutions, we believe the American people will not get the security that they want and need. The United States needs a strong, stable, capable congressional committee structure to give America's national intelligence agencies oversight, support, and leadership.

The 9/11 Commission goes on:

> The future challenges of America's intelligence agencies are daunting. They include the need to develop leading-edge technologies that give our policymakers and our warfighters a decisive edge in any conflict where the interests of the United States are vital. Not only does good intelligence win wars, but the best intelligence enables us to prevent them from happening altogether.
>
> Under the terms of existing rules and resolutions, the House and Senate Intelligence Committees lack the power, influence, and sustained capability to meet this challenge. . . .
>
> The other reforms we have suggested—for a National counterterrorism Center and a National Intelligence Director—will not work if congressional oversight does not change, too. Unity of effort in executive management can be lost if it is fractured by divided congressional oversight.

To those remarks, I say amen.

I am pleased that many of our colleagues have joined the chorus and cried amen as well. We now have many amendments before us that can accomplish the necessary changes to our Senate committee structure. I thank Senators REID and MCCONNELL, along with their staffs, for the work they have invested in this issue.

The Reid-McConnell working group has come forward with a number of wise recommendations. I want to endorse a few of those recommendations in greater detail, while explaining my reasons for opposing the amendment that is now before us. I also want to make some recommendations that go beyond the resolution, but which I suggest would give the new structure enhanced oversight and direction on the intelligence community.

The first recommendation I strongly support is the abolition of term limits for members of the Intelligence Committees. The terms of Intelligence Committee members should be made permanent so that the accumulated experience and expertise of the committee members can be retained.

When a Member joins almost any other committee in the House or the Senate, he or she typically brings some base of knowledge to the task, such as a lawyer serving on the Judiciary Committee, or a military veteran serving on Armed Services, or someone with a financial services background joining the Banking Committee.

It is a rare Member who has firsthand experience with the intelligence community. The complexity of the issues, the technologies involved in collection

analysis, means that it is a very steep learning curve when someone joins the Intelligence Committee. It is not an exaggeration to suggest that it can take as much as half of the current 8-year term before the Member feels confident in their knowledge of the intelligence community and can begin to make wise, informed judgments. That tutorial exhausts half of the time of Members currently serving.

The justification for those term limits dates back to the creation of the Intelligence Committees in the 1970s, following Senator Frank Church's investigation of abuses by the CIA. It was feared that members of the Intelligence Committee would become captives of those they were overseeing, given the general lack of public scrutiny of the workings of the committee.

However, in order to ensure that committee members have the expertise necessary to exercise effective oversight, we must give them adequate time to build up the experience they need. We must hope that their constituents will pay enough attention to their oversight of the intelligence agencies to ensure that the committee members remain independent. I expect this will be the case, given the increasing awareness of the importance of intelligence to our national security.

There is another step that I believe should be taken, and that is an increased emphasis on training of Members who will join or who currently belong to the Intelligence Committee. This is, as our President has said, hard work, serving on the Intelligence Committees. The background, organizational history, financial matters affecting the community, as well as the emerging threats the community is responsible for understanding and assisting in our defense, are difficult. Members of the committee should devote greater time to their personal and collective training so they can better discharge these responsibilities.

The second recommendation I would like to endorse is the distribution of the Intelligence Committee's responsibilities through the use of subcommittees, especially here a subcommittee on oversight that could examine adverse actions within the intelligence community which often require a detailed after-incident report.

One of my principal concerns about the Intelligence Committee during my decade of service was the inordinate amount of time that was spent looking through the rearview mirror at the problems that had already come to fruition, including several significant cases of counterespionage, which left an inadequate amount of time to look through the front windshield at the threats that were coming at us.

I believe the establishment of a subcommittee which had the specific responsibility for oversight, including these after-incident events, would contribute substantially to the committee's capability to look to the future.

Another suggestion within the committee structure, since we will now be reorganizing the intelligence agencies around mission-based intelligence centers, should be the basis for establishing other subcommittees with oversight responsibilities within the Intelligence Committee itself. As an example, in the legislation we just passed, two intelligence centers are established by statute: one counterterrorism, the other counterproliferation of weapons of mass destruction. Clearly, the Intelligence Committee should have subcommittees with specific responsibility to oversee the action of these two critical centers to assure that the threats are being properly identified, the resources are available to respond to those threats, that the centers are accomplishing their objective, and as other centers are created by action of the national intelligence director, they, too, deserve a special focus of a subcommittee within the Intelligence Committee.

Next, I believe it is crucial that the appropriations for the intelligence community be detached from the budget of the Department of Defense so that intelligence funding can respond to intelligence needs and not simply fluctuate with the defense budget.

The reality is that while the intelligence budget is inside the defense budget, that has resulted in, over time, a percentage relationship. And so as happened in the 1990s, when the overall size of the defense budget contracts because the Cold War was over and there was a feeling that we did not need to spend the resources we had when we were face to face with the Soviet Union, the consequence was we were also constricting the size of the intelligence budget at exactly the time the intelligence community needed to be expanding.

We spent 40 years looking at the Soviet Union. We knew a lot about it. We had people who understood the language and the cultures of our adversary. But after the fall of the Berlin Wall, the world did not suddenly declare peace. Rather, a new set of threats emerged from a different part of the world, largely the Middle East and central Asia, and we were grossly deficient, particularly in our human intelligence capability, to understand and react to those new threats.

By divorcing the intelligence budget from the defense budget, we will have a greater opportunity to look specifically at the needs of both of those two important parts of our national security system, but to do so independently on their own merits.

I am familiar with the proposal Senator MCCAIN and others have put forward to give the Intelligence Committee both authorizing and appropriation authority. I respectfully disagree. Having two committees that pay attention to intelligence matters can be very helpful. I will admit that at one time, I was intrigued with the idea of permanently merging the House and Senate Intelligence Committees in the way the old Joint Atomic Energy Committee was merged and in a way for the last Congress the two committees merged for purposes of the 9/11 inquiry.

I have now disabused myself of that suggestion. I believe it is important that, particularly with intelligence where there are so few Americans who have the background to make proper judgments and so many of those do not have the information upon which to make precise judgment, and where there are few eyes outside of the Congress, the press, interest groups, citizens groups, and others who can effectively monitor the intelligence community, it is particularly important that we have a sufficient number of eyes within the Congress that are focused on intelligence issues.

During the runup to the invasion of Iraq, for instance, there were four congressional committees that had some form of oversight over the administration's push for war. Only one of those four—and I see on the floor now the chairman of the Senate Intelligence Committee who, with his colleague Senator ROCKEFELLER, was largely responsible for this—it was only the Senate Select Committee on Intelligence which asked the tough questions which submitted the findings which have accelerated the pace of reform within the intelligence community.

If there are four congressional committees with some oversight over intelligence funding—the two authorizing committees and the two appropriating subcommittees—there is less chance that all relevant congressional committees will be negligent in their oversight of administration action.

I suggest two reforms which would enhance the establishment of a separate subcommittee of appropriations for intelligence. One of those is to increase the authority of the Intelligence Committee over the authorization process. As Senator INOUYE mentioned in his remarks, there is currently law that says funds cannot be appropriated to the intelligence community which have not been authorized. The problem has been that there are sources of authorization other than the intelligence community. So if the Intelligence Committee, which is now invested with the particular responsibility, decides what it believes to be the appropriate priorities, those priorities could be disrupted by authorizations which come from other sources and which, in turn, validate appropriations.

The second point I suggest is that the chair and vice chair of the Intelligence Committees serve on the appropriations subcommittee. There is precedent for this. As an example, in reverse order, the current chairman of the Senate Appropriations Committee serves on the Armed Services Committee. The rationale is that Armed Services represents such a significant part of the total appropriations that it is desirable to have the person most responsible for those appropriations be a member of the Armed Services Committee.

I would recommend that the same type of interlocking relationship

should exist between the leadership of the Intelligence Committee and the new intelligence appropriations subcommittee.

Finally, I recommend that the Intelligence Committee expand the use of advisory panels, such as the technical task force which has served the Senate Intelligence Committee extremely well over the last 5 years.

I would like to recognize my colleague, Senator SHELBY, who was very instrumental in the initial establishment of that technical committee. This advisory panel has reduced the tendency toward group think, which has afflicted the intelligence agencies themselves, as we witnessed so clearly in the report of Senator ROBERTS and the Intelligence Committee on the runup to the Iraq war.

One possibility would be to have an advisory panel for each of the subcommittees, locking the Intelligence Committee into the pattern that mirrors and supports mission-based intelligence centers.

There has been a term in the military referred to as incestuous amplification, which is a condition of warfare where one only listens to those who are already in lockstep agreement, reinforcing set beliefs, creating a situation ripe for miscalculation.

Current events have offered powerful evidence that the intelligence community has been engaged in incestuous amplification. It is therefore especially important that the oversight committees of the Congress avoid that temptation.

While I regret to say it, in many ways the Congress deserves the comments which have been made by the 9/11 Commission, but I believe the action we are considering today will go a long way toward assuring that the Congress will be a full partner in reforming the intelligence community of the United States, and the intelligence community in turn can be a fuller partner in assuring the safety of Americans.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 3999

Mr. ROBERTS. Mr. President, I rise to support Senator MCCAIN and his amendment to the McConnell-Reid measure amending S. Res. 445.

First, I pay tribute to the former chairman of the Senate Intelligence Committee, Mr. GRAHAM. I thank him for his service to our country. He is retiring, although that certainly does not describe the Senator, but I thank him for his leadership and his suggestions as we go through this very difficult task of reforming how we do our oversight responsibilities in reference to our intelligence obligations.

Back to Senator MCCAIN and his amendment, if we approve the McCain amendment, Senators will implement what is the most important recommendation of the 9/11 Commission for improvement of congressional oversight of intelligence activities—most important by the 9/11 Commission.

Now, why is JOHN MCCAIN getting in the middle of what would have to be termed a sheep and cattle war, if one goes back to the history of Arizona, and taking on the challenge of suggesting that the Intelligence Committee, or any authorizing committee, have appropriations power? That is tough. I mean, that really is tough.

I think everybody knows there is more than one way to skin a cat that is sticking his head in a bootjack than simply pulling on his tail. That is hard work. That is where nobody wants to reach their hand into, but there again that is JOHN MCCAIN.

JOHN is from Arizona. I used to reside in Arizona. There is a lot of cactus in Arizona. One does not have to sit on each and every one of them. Sometimes people think that Senator MCCAIN does that. Why is he doing this? Why is he fighting this sometimes lonely battle? Well, on page 420 of the 9/11 report, the Commissioners wrote this:

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

He is right. He is dead on. He is pulling that cat by the tail in the bootjack. And in terms of being right, there are times that one can take on tough measures and sort of let them go and slide or one can do the right thing. The truth of it is that I can tell my colleagues, as chairman of the Intelligence Committee and an 8-year veteran of that committee—and it has been a privilege—we are fractionalized when we talk to Lee Hamilton, Governor Kean, Bob Kerrey, the former Secretary of the Navy, John Lehman, and others. They came to visit before the Intelligence Committee with Senator ROCKEFELLER and myself, Senator ROCKEFELLER being the distinguished vice chairman and my bipartisan partner in trying to do what is right on behalf of our national security—and we think we have done a good job, by the way, backed up by 22 professional staffers, the most of any committee. So, consequently, what happens to us is that when we do our work as quoted by the 9/11 Commission—and after the visit by the 9/11 Commission to the Committee, they agreed with us that we are fractionalized, that our job is pretty tough, that in terms of being an authorizing committee we probably are expected to have the most obligation, independence, leadership, clout in regards to oversight in reference to intelligence and national security of any committee in the Congress, but we have the least.

Why is that? It is because we are fractionalized in terms of sequential referral on demand. I am not going to get into that speech again because I think we are trying to work it out. I think we have a compromise, or I hope we have a compromise, and I thank Senator ROCKEFELLER for being a leader in this instance.

Whatever we do, we know that we have to then first go to the Armed Services Committee and then, of course, we have to go to the Appropriations Committee.

Now, that is not a bad thing because we have many fine people serving on the Appropriations Committee. I do not mean to perjure the Appropriations Committee. Far from it. They have many obligations. They have their constitutional authority to do this. But what happens? The intelligence community comes before us during the long session of 6 months, 8 months, 9 months when we do our authorization and make priority changes and make recommended changes and make reform changes, some of which have been very dramatic. And I think they understand that, obviously, then we are going to have to go to the Armed Services Committee and then, obviously, we are going to have to go to the Subcommittee on Defense of the Appropriations Committee where they have done, I might add, a splendid job of doing their very best in terms of their obligations to meet our national security obligations vis-a-vis the intelligence community.

Now, what would someone do if they were a member of the intelligence community? They would appear before the authorizing committee, the Senate Intelligence Committee—and I am not saying it was wink them, blink them, and nod to a committee that has no authority, but one can sort of make that case—and I do not perjure anybody who has come before the committee because they are great people. They are laying their lives on the line. They are dedicated people. That is not my point.

What they do, however, is go to the Senate Armed Services Committee and then they also go to two primary members of this Senate whom I personally call friends and admire and respect, and there have been no two people in the Congress of the United States, perhaps in the history of the United States, who have done more for the military and done more during those times where we were stretched thin and hollow and addressing the tremendous problems we have today. I am talking about the distinguished Senator from Alaska, who is chairman of the committee, TED STEVENS and his counterpart, the Senator from Hawaii, DAN INOUYE. I do not know who has been the stagecoach driver and who has ridden shotgun. During these particular years, they both worked equally well.

But what happens to them is that time demands come in and the intelligence community comes in and says: Wow, we have a problem. We have just had an ''Oh, my God'' hearing before the Intelligence Committee. Oh, my God, how did this happen? Khobar Towers, embassy bombings, USS *Cole*, the lack of really trying to figure out what happened when we missed the India nuclear explosion, 9/11, Somalia—do you know what. It was all tied together.

So the Appropriations Committee is faced with this urgent need, and they

respond. And the intelligence community pretty well gets what they want. That is not all bad, especially when we are facing some kind of emergency, but it basically cuts out the Intelligence Committee's authorization process to some degree. It cuts out what the Armed Services Committee does as well. It is time based.

The 9/11 Commission took a look at this and said: Congressional oversight for intelligence and counterterrorism is now dysfunctional. Congress should address this problem. We have considered various alternatives. The primary suggestion: a single committee in each House of Congress combining authorizing and appropriating authorities. The McCain amendment will accomplish this alternative. The McCain amendment will accomplish this by giving appropriations authority to the Senate Intelligence Committee.

The distinguished chairman of the Appropriations Committee, a man whom I admire, a man who has been a great friend, basically cited the example between 1865 and 1885 that when they took away powers from the Appropriations Committee, storm clouds arrived, lightning struck, and it was doom and gloom time until they restored that authority.

Let me suggest another number. It is called 9/11. Let me suggest all the hearings we have held in the Intelligence Committee—I call them ''Oh, my God'' hearings: Oh, my God, how did this happen?—indicated the systemic failure of the global intelligence community in regard to WMD and the situation in Iraq—not just the United States, everyone, including the United Nations.

The chairman of the Appropriations Committee and his counterpart, the ranking member—when he says there is no turf battle, I believe him. I don't know of any two Members who would put turf over conscience and turf over performance and the obligations of what they have already done. I know the chairman has mentioned that he and the members and the qualified staff of the Appropriations Committee have gone the world over, and they have. I know. I have been with them on many occasions, looking at intelligence and looking to see how the money is spent on the ground, taking a hard look. I understand that.

But we have 22 staffers, 22 professional staffers who have background and experience in regard to being an analyst at the DIA, being an analyst at the CIA with at least 10 years' experience. We have the staffers who put together the 521-page WMD report, where the chips fell where they may. Guess what happened. The intelligence was wrong. Some people try to put that at the foot of the President. He made very declarative and aggressive comments. Others in this Congress received the same intelligence and made the same statements. Now, of course, a lot of that has changed because it is an even-numbered year, and you know what kind of situation we are in.

But I am trying to say your Intelligence Committee stands ready to do a professional job in regard to budget authority, should we be granted that privilege, with 22 professional staffers. We have done that. There have been occasions where we have been granted access. I don't mean that in a cynical way because the Appropriations Committee usually is in a big hurry with what they have to do, meeting obligations that are emergencies—where we have made our suggestions. Some of them, not all of them—as a matter of fact, not very many of them—were accepted by the Appropriations Committee or, for that matter, the Armed Services Committee. Some of them, a lot of them, ended up on the cutting-room floor.

In some cases we were not granted access because of the time equation, and wouldn't you know that many of the recommendations of the 9/11 Commission and many of the problems we have experienced that nobody wants to see that we have had hearings on are the same kinds of things we have tried to fix in the Intelligence Committee and maybe could have had we not had this fractionalized process that the 9/11 Commission has talked about.

I have talked about what a hard job this is. I talked about the courage Senator MCCAIN has had to approach this topic. It is a tough topic. Really, this is not hard. Members have a choice. They have a choice to make. A vote for the McCain amendment enhances the congressional oversight by addressing the findings of the 9/11 Commission, period. The amendment will enhance the power, influence, and sustained capability of the Senate Intelligence Committee; that is, to conduct oversight of this Nation's intelligence activities. It couldn't be any more simple.

Members, you should vote for the measure if you want to enhance the Senate Intelligence Committee's ability to conduct congressional oversight as recommended by the 9/11 Commission and, by the way, virtually every other commission that has studied this. So the McCain amendment is in harmony with the 9/11 Commission's major recommendation for improving congressional oversight and intelligence activities.

I am not saying the appropriators or the Armed Services Committee has done anything wrong, egregious, dysfunctional, whatever. They have done a great job under the circumstances with the setup of the Congress as it has been. But we stand ready with 22 professional staffers to do the job. I believe we can do the job.

I am voting for the McCain amendment. In behalf of our national security, I urge my colleagues to do the same.

I yield the floor.

Mr. BYRD. Mr. President, Senator MCCAIN has introduced an amendment to address the 9/11 Commission's recommendation for the creation of a committee on intelligence with appropriations powers.

I have a great respect for the 9/11 Commission. They are dedicated members who have the Nation's best interests in heart and mind, and, for the most part, they have done an excellent job. Like the Commission members, I want our Government to take steps that will help ensure that our Nation will never again suffer a catastrophe like 9/11. But, I fail to comprehend how giving a legislative committee its own checkbook will help avoid another such disaster. Legislative committees have their plates quite full with evaluating policy. They should not take on the heavy lifting of appropriating public monies as well.

The fact that the Commission made this recommendation left me wondering just how it came up with such a proposal.

First, I looked at the Commission's report to see what evidence they cited for making this recommendation. I was startled to find that the Commission provides no specifics in its report to substantiate or justify this revolutionary proposal. The Commission offers no examples, no rationales, no justifications, no explanations. In short, the Commission provides no evidence that the appropriations process is flawed when it comes to intelligence matters. There simply is no substantive rationale for the need for this kind of drastic recommendation.

According to the Commission, this recommendation was garnered from interviews with ''numerous members of Congress from both parties, as well as congressional staff members. . . . We found that dissatisfaction with congressional oversight remains widespread.'' But curiously the report never mentions any specific member or any staffer by name or position. Who are these phantom critics? Why were they especially qualified to comment? The point is, unspecified dissatisfaction from unidentified Members of Congress and unidentified congressional staff offers very little basis for embracing such a precedent-setting proposal.

While I do not know who the Commission interviewed to reach this determination, I do know who they did not interview. They did not speak to Senator STEVENS, the chairman of the Senate Appropriations Committee and chairman of its Defense Subcommittee. I know they did not talk to Senator INOUYE, the ranking member of the Defense Subcommittee. Both Senators STEVENS and INOUYE are long experienced legislators and appropriators in the field of intelligence. Why weren't they interviewed? Nor did they talk to me, and I am the ranking Democrat on the Appropriations Committee and the former chairman of the committee.

Knowing just whom the Commission did and did not interview is important because of the makeup of the Commission. While undoubtedly sincere, well-meaning, and honorable, only 4 of the members of the 10 individuals on the 9/11 Commission had ever served in Congress, and only 2 of them had experience with the appropriations process.

This recommendation, to grant both appropriation and authorization powers to a legislative committee, in my judgment reflects this lack of experience. Moreover, it belies a lack of familiarity with the history of the appropriations process.

This particular recommendation would blur the existing oversight process which tends to ensure a more thorough examination of intelligence matters because of a focus on policy matters which is separate from the focus on budgetary matters. In other words, the commission wants to increase oversight of intelligence matters by paradoxically lessening and collapsing oversight on intelligence operations.

The Commission's recommendation would limit the watchdog duties over secret intelligence functions to a tiny group of Senators, thereby fomenting an environment that would probably promote ''group think,'' and secrecy. In other words, the Commission wants to end, or, at the least, reduce ''group think'' and incestuous oversight in intelligence matters, but it is making a recommendation that would create an environment that would likely promote both.

Most importantly, the historian in me marvels at the degree to which the Commission's recommendation flies in the face of history. The current Appropriations Committee just happens to be the carefully considered antidote to several past failures of the same sort of decentralized appropriation's fixes which the 9/11 Commission now incredibly recommends. There is nothing new or innovative in this Commission recommendation. It has been tried before, and it has failed miserably.

In 1816 the Senate established the Committee on Finance and assigned it appropriations responsibilities in an effort to enhance congressional fiscal control. But as the country grew, the problems did too.

The War with Mexico, 1846–1848, for example, caused Federal spending to nearly triple, and this dramatic explosion placed great pressures on Congress to revamp its appropriations process. In 1850, the Senate adopted its first rule governing appropriations. It banned amendments for additional appropriations not previously authorized by law.

The Civil War, 1861–1865, as one might expect, vastly expanded and complicated Federal spending. Congress abruptly learned how the lack of centralized control in the Senate played to the strong advantage of the President. Congressional control of the power of the purse went out the window as President Lincoln spent millions of dollars without even bothering to secure formal congressional appropriations. He could be forgiven because he was trying to hold the union together, but the Constitution was circumvented and congressional power of the purse was, for a time, effectively seized.

Following the Civil War on March 6, 1867, the Senate established a Committee on Appropriations in an effort to bring unity, authority, conformity, and order to the Federal spending process.

As soon as the Appropriations Committee was established, however, authorizing committees began a vigorous struggle to regain their lost appropriations authority. Several House committees first grabbed appropriations authority. Soon, Senate committees were demanding the same. Everybody wanted a piece of the action. What kind of Pandora's box are we opening if we grant appropriations power to the Intelligence Committee? Why not also the Department of Homeland Security? Once the box is opened, the grabbing begins. In the late nineteenth century the grabbing gathered steam even amid stern warnings.

Congressman Samuel Randall, D-Pa, the chairman of the House Appropriations Committee at the time, warned that combining authorizing and appropriating authorities under one committee's jurisdiction would lead to greater Federal spending. ''Experience and observation,'' he pointed out, ''demonstrate such distribution leads to continually increasing appropriations, and renders it more difficult to keep expenditures within the limits of receipts.'' In other words, blending authority and appropriating leads to deficits.

When the Senate debated granting the Committee on the District of Columbia the right to make appropriations in 1883, members of the Appropriations Committee argued against the move. Pointing out that the Appropriations Committee serves as a necessary, coordinating agent with the legislative committees, Senator Beck of Kentucky argued, ''it is not wise legislation to vest any committee with absolute power as to the amount of money necessary to carry those laws into effect. . . . We ought to have one committee as a check upon another, one guard placed upon another, so that no body of men sitting as a committee of Congress should have absolute power over the money of the people.''

Again, that is another important lesson for us today. The Appropriations Committee is a needed, important partner with Congress's legislative committees. When the 9/11 Commission argues for more supervision of intelligence matters, it is bogus to suggest that we start by decreasing oversight.

But, in the late 19th century, these members of the Appropriations Committee were ignored. After the DC Committee had sought appropriations powers, more and more authorizing committees began seeking appropriations authority. Responding to pressure, the Senate returned appropriations authority to most Senate committees. The result, a repetition of all of the past problems. Without central authority, oversight and a central controlling mechanism, Federal finances again fell into disarray. Legislative committees were off pursuing their own individual agendas. Budget requests were submitted piecemeal. The practice known as ''coercive deficiencies,'' wherein executive agencies went through their year's appropriation within a matter of months, and then appealed to Congress for additional funds to get them through the year, again became common. Most importantly, the decentralized system of appropriations was simply not capable of managing the expenditures of a Federal Government that was growing large in size and in expense. No one was minding the fiscal store.

I would urge any Senator who thinks that giving appropriation power to an authorizing committee will help restrain spending or increase discipline to study Congressional history. Congressman James Tawney, the chairman of the House Appropriations Committee from 1905 to 1911, concluded that ''division of jurisdiction and responsibility in the matter of initiating appropriations has contributed more than any other single cause to the enormous increase in appropriations during recent years.'' Everyone always wants to get an oar in the water.

A number of scholarly studies support Congressman Tawney's observation, including the 1987 study by David Brady and Mark Morgan, Reforming the Structure of the House Appropriations Process, and the book by Charles Stewart, Budget Reform Politics. These works document that without a central authority to impose overall budgetary discipline on the legislative committees, accountability all but vanished, and the public's money was spent with abandon.

World War I, like both the Mexican and Civil Wars, forced the Congress to confront the financial mess that decentralized funding had created, and to establish a supervisory control over the appropriations process. In 1922, the Senate returned jurisdiction over all appropriations measures to the Appropriations Committee. Thus, they created the system that has now served us well for more than 80 years.

Now, the 9/11 Commission proposes to return to the failed system of the past, and I adamantly oppose it. It is a formula for less accountability over public funds and for even larger deficits.

The lessons of history must not be brushed aside.

Most of us probably know the historical truism that those who do not remember the past are condemned to repeat it. History really does repeat itself because human nature does not change. In our desire to correct the reasons for our intelligence failures, let us avoid past mistakes. In our understandable desire to improve our intelligence system following 9/11, at least, we can try to avoid so-called solutions which have a proven track record of disaster.

While it also endeavors to preserve its Constitutional purpose and traditions the U.S. Senate has an obligation to adapt to new challenges.

I know that Senators REID and MCCONNELL examined the recommendations of the 9/11 Commission with those thoughts in mind. I know that the Working Group they co-chaired has proposed changes that will implement many of the reforms of the 9/11 Commission, while respecting the rights of Senators and the institution of the Senate.

I cannot say the same about this amendment.

Authorization committees and appropriation committees have very different mandates, one to oversee policy, the other to oversee budgets. Different authorization and appropriations committees ensure checks and balances and better oversight.

The amendment would result in fewer Senators looking into intelligence matters. It would eliminate the double punch of oversight with an authorization committee focused on policy matters and the Appropriations Committee focused on budget matters.

The message of the 9/11 Commission was to increase, not decrease, the role of the Congress in intelligence matters. It asked the Congress to pursue more vigorous oversight and to ask tougher questions. This amendment would take us in the opposite direction.

I urge the defeat of this amendment.

Mr. LEVIN. Mr. President, I do not support the McCain amendment to grant appropriation powers, in addition to oversight powers, on intelligence matters to the Senate Intelligence Committee.

I am a member of the Intelligence Committee and I support the effort in this resolution to strengthen the oversight capabilities of the Senate Intelligence Committee. However, I cannot support this amendment. Because much of the work done by the Intelligence Committee is necessarily done in closed session, it is all the more important to have the checks and balances of additional committees involved in the review and funding decisions concerning intelligence activities. Intelligence matters, by their nature, require secrecy. However, democracy works best with active and open debate. For this reason, it is critical that this process, while secret, involve more than a small number of Senators.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, after conversation with the managers, I believe we have other issues to address. I think everybody is familiar with this issue. If it is agreeable to the managers, perhaps we could have an agreement.

How much time does the Senator from Connecticut want?

Mr. LIEBERMAN. Five minutes.

Mr. MCCAIN. Five minutes. The Senator from Pennsylvania wants 5 minutes; the Senator from Missouri, 5 minutes; and I be allowed 5 minutes.

Mr. REID. I would like to be able to speak for a few minutes.

Mr. MCCAIN. Two minutes?

Mr. REID. A few minutes. I will do it as quickly as I can.

Mr. MCCAIN. The Senator from Nevada, 5 minutes?

Mr. REID. I may need 10.

Mr. MCCAIN. The Senator from Nevada, 10 minutes, and that followed by a rollcall vote?

Mr. REID. The Senator from Arizona should be the last speaker?

Mr. MCCAIN. Yes. Part of that unanimous consent request is that I be the last speaker, for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, there would be no amendments in order prior to the vote up or down as the sponsor of the amendment wants.

Mr. MCCAIN. For the benefit of Members, Mr. President, would you repeat the terms of the unanimous consent agreement?

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Connecticut will have 5 minutes, the Senator from Pennsylvania will have 5 minutes, the Senator from Missouri will have 5 minutes, the Senator from Nevada will have 10 minutes, the Senator from Arizona will be the concluding speaker with 5 minutes, and there will be no amendments allowed before the final vote on this amendment.

Mr. MCCAIN. Followed by a rollcall vote?

The PRESIDING OFFICER. There will be a rollcall vote.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the McCain amendment. The McCain amendment is part of the package of legislation Senator MCCAIN and I and others introduced on September 7 to implement all of the recommendations of the 9/11 Commission. That is why I am pleased to be a cosponsor of the amendment.

Governor Kean, Congressman Hamilton, members of the Commission made clear to Congress that they had three major and most urgent recommendations. The first was to create a national intelligence director, the second was to create a National Counterterrorism Center, and the third was to reform the way in which Congress oversees intelligence.

The first two, the national intelligence director and counterterrorism center, we accomplished yesterday in passing the bill that came out of our Governmental Affairs Committee. Senator COLLINS and I joked along the way that maybe we got the easier assignment than Senator REID and Senator MCCONNELL, who had to deal with Congress's own internal organization. I believe they have done well.

I do want to say a few things, and I will have more to say about this in a bit.

With regard to homeland security, the legislation Senator MCCAIN and I introduced embracing the 9/11 Commission said that Congress should either establish a new committee with sole jurisdiction over homeland security or give that jurisdiction to another existing committee.

Senator REID and Senator MCCONNELL and the working group chose to give that jurisdiction to the Governmental Affairs Committee on which I am privileged to serve. At the same time, it is significant to note that it is now going to be called the Committee on Homeland Security but at same time large chunks of the homeland security jurisdiction—the Coast Guard and Transportation Security Administration, now part of the Immigration and Naturalization Service—have been taken back by the other committees. That is the kind of action that encourages those who are cynical about this Chamber, and I hope we can try to do better on that.

With regard to the oversight of intelligence, the working group made a significant reform proposal which sponsors have described. But the McCain amendment embraces the recommendation of the 9/11 Commission, which I still respectfully believe is the better course to follow, which is to combine the expertise of the intelligence community and their considerable staff in authorizing with the power to appropriate and in that sense to make sure that this most critical aspect of the war on terrorism, intelligence, has the most active and informed and aggressive oversight from Congress.

The enormous achievement that the legislation we adopted yesterday represents in reforming our intelligence and homeland security apparatus will not fully be realized, or may go astray, unless there is the strongest possible congressional involvement in oversight. I believe this amendment will provide for that. That is why I rise to support it.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the amendment offered by the Senator from Arizona for a number of reasons.

First, the Intelligence Committee, with its current responsibilities, has a very heavy workload. I was on the Intelligence Committee for 8 years and chaired the Intelligence Committee in the 104th Congress. It is a very time-consuming job. I think it would be unwise to give them the additional burden of deciding appropriations.

As a member of the Appropriations Committee—and I do not make this argument on a turf basis—we spend a lot of time making the allocations among the 13 subcommittees which we have. We have a budget resolution. We have a specific amount of money and we have to make the allocations.

If we have a committee such as the Intelligence Committee not a part of

the appropriations process, to evaluate intelligence appropriations in contrast to the other appropriations functions, it simply does not give the full picture.

We, obviously, never have as much money as the individual members would like to have for their respective subcommittees, but when the committee makes a decision as to allocations, it is keeping the entire budget in mind. That would be lost if you had the Intelligence Committee with the authority simply to carve out whatever amount of money they chose without regard to the other appropriations processes.

In addition, the experience as detailed by the chairman of the Appropriations Committee, the Senator from Alaska, has been that when authorization and appropriations were combined, there were enormous appropriations. At a time of deficits and at a time of large national debt, we ought not create another structure which would add to the burden of additional funding.

The separateness of an intelligence appropriations subcommittee from the intelligence authorizing committee also lends for more congressional Senate oversight. With all of the work we have to do, there is insufficient time to give appropriate oversight to the intelligence functions. A separate appropriations subcommittee would have an opportunity to add to that oversight and would have an opportunity to add as a check and balance to what the authorizers may do.

We are proposing some very far-reaching changes here. I believe the resolution is a sound one in that it strengthens the hand of the intelligence authorizing committee by taking away term limits so the members of that committee will develop real expertise. But we should not abandon the traditional division of responsibility between authorizers and appropriators.

I have great respect for what the Senator from Arizona seeks to do. He has made very cogent critiques of the Appropriations Committee from time to time when the Appropriations Committee seeks to take on the authorizing role. There are not supposed to be authorizations on the appropriations bill.

We know, as a practical matter, that happens on occasion. Really, it happens with excessive frequency. But just as the separateness ought to be maintained with appropriators not authorizing; so, too, the separators ought to be made with authorizers not appropriating.

It is for these reasons that I oppose the amendment offered by the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise in opposition to the McCain amendment.

I joined the Senate Select Committee on Intelligence knowing full well that our system needed reform. Since that time, I have worked very hard with our distinguished chairman and members on both sides to try to bring about real reform that will enhance our Nation's ability to fight the war on terror by assuring we have the most accurate, actionable, and timely intelligence available.

I applaud the provisions of the Collins-Lieberman bill, and commend my colleagues for coming together on that important piece of legislation. It is now time, however, for Congress to get into the really difficult battle; that is, reorganizing and reforming ourselves. That is necessary so long as such reform makes sense. The 9/11 Commission concluded:

The House and Senate intelligence committees lack the power, influence and sustained capability to meet the challenge of overseeing the United States intelligence community, and executive branch reform will not work if congressional oversight does not change too.

That doesn't mean that a commission to investigate the facts and circumstances relating to the terrorist attacks of September 11, 2001, should become the only basis for intelligence reform and we must adopt every recommendation. We have spent a good bit of time in this body—I have personally and I know my other members on the Intelligence Committee have worked on these issues far longer than the 9/11 Commission worked on them. I know from my experience on the Appropriations Committee how important that responsibility is, and I daresay that those of us on the Appropriations Committee have lots of experience on how the appropriations process works.

I feel very strongly in the case of this amendment and the Commissions's recommendation to combine authorization and appropriations powers that we need to reject it.

A longstanding lesson in the Congress that we have observed, I think wisely, is that it is inefficient and undesirable to mix policy legislation with appropriations legislation. Appropriations are required on a timely basis to keep the Government operating with as little disruption as possible, particularly funds for the intelligence community which are paramount to the day-to-day operations in continuity of our national security. It should not get stalled or held up as a result of potential policy disagreements.

Every year on the appropriations bills which we process, we work hard to get the appropriations out on time and try to focus on those issues that need to be resolved in appropriating.

Combining this legislation with appropriations can result in undesirable situations such as a rush job on policy deliberations in order to meet fiscal year deadlines, and thus potentially shortchanging the policy changes we need to make as a result of our oversight, or delays in appropriations, thus disrupting Government operations as we get involved in controversial policy debates.

The longstanding lesson and separation has been institutionalized in rules for both the House and Senate. Over the years, various attempts have been made in history to mix policy and appropriations functions into a single committee. In the past, this has been judged as undesirable.

If we want to get rid of the Appropriations Committees and spread appropriations throughout all the authorizing committees, that is a long and much more extended debate than we are having here. I do not think we can or should single out intelligence and say in intelligence alone they will have the appropriations functions along with the authorizing functions.

Congress already has a mixed policy budget oversight model adopted in the 1980s for intelligence, the past legislation that provides the Intelligence Committees with powerful control over the budget. Section 504 says no funds may be obligated unless authorized, and over time the Intelligence Committee began to authorize at the level of detail of appropriations.

I was very happy to support our chairman's position in Collins-Lieberman that protects our jurisdiction and enhances the power of the Intelligence Committee. The Intelligence Committee as an authorizing committee ought to have greater powers. The need to authorize funding at the detailed budgetary levels would compel the Intelligence Committee to behave like an Appropriations Committee.

I am familiar with how they work. It is better that the Intelligence Committee not get into this field. It is undesirable if our intent is to make our Intelligence Committee more effective. The Senate Intelligence Committee potentially becomes dominated and consumed by budget review and arguing over specific appropriations items.

The question we have before the Senate is, should Congress reorganize. That would be a bad idea. We heard, as the Senator from Pennsylvania has discussed, objections to legislating on an appropriations bill. I object to appropriating on an authorizing bill. I hope my colleagues support that point of view.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before my friend leaves, we have served together for many years. We do things in that committee that are so important for the State of Nevada. We authorize programs dealing with flood control, which Nevada has tremendous problems with, with the growth taking place. We do things there to help flood control in Las Vegas and the Appropriations Committee will not give us the money we feel we need.

Superfund is a program I believe in, but we authorize things in that committee and the Appropriations Committee lets us down almost every time. We do it with the Corps of Engineers. We do it with the endangered species.

I say, why shouldn't we have the Environment and Public Works Committee do their own appropriating?

Then we would not have to worry about Las Vegas flooding. We would take care of it. I would go each year as quickly as I could to get the first bill passed and get all the money so there is none left for the rest of the committees.

The fact is programs that are within that jurisdiction—FEMA is an example—these are programs that are essential. I get upset at the Appropriations Committee, even though I am a member, for not getting money to the things I support, as someone who has been chairman of that committee on two separate occasions.

I know the good intentions of my friend from Arizona. He and I came to the House together. We came to the Senate together. I never like to get involved in a legislative battle with Senator MCCAIN because of his passion with legislative battles and life in general. The fact is, even though I don't like to get involved, and I rarely do, he is wrong this time. He is wrong.

What would happen if this amendment is passed? There would be more secrecy. There would be too much power consolidated, as the former chairman who served on the committee 10 years, BOB GRAHAM, has said. He has served as chairman and wrote a book on the Intelligence Committee. He said it would be the wrong thing to do. It would reduce the number of people and staff looking at the critical matters.

The appropriations and authorization process has been separate for 170 years. Why? This is not by accident. It is because there has to be some control, ultimately, of money. That is why we do not allow Senator REID of the Environment and Public Works Committee, Senator REID and others who serve on authorizing committees to have a free hand in the money.

Now, the authorizers look at matters of policy. That is the way it should be. The appropriators are spending the people's money the way the law states.

The solution we have come up with is a better solution that strengthens the Intelligence Committee and creates a new intelligence appropriations subcommittee.

Governor Kean, the cochair of the 9/11 Commission, said:

> I think [an intelligence appropriations subcommittee] would be very much in my mind within the spirit of our recommendations.

I know my friend from Arizona wrote a letter saying this is fine, maybe, but what we want is better. I don't want to get in a nitpicking ''he said, they said,'' but I am reading from page 421 of the 9/11 Commission:

> We also recommend that the intelligence committee should have a subcommittee specifically dedicated to oversight, freed from the consuming responsibility of working on the budget.

I don't know if it was an oversight, but I wrote a book once and they sent it to an editor, someone who worked at the University of Texas. She was a professional editor. This is my book, a history book, and she came back with all of the contradictions that I had made myself right in my book. I was so stunned how good she was.

Whoever was doing the editing of this report made a mistake, because you cannot have it both ways. You cannot have limited budget authority and have them do the appropriation and the authorizing all at one time.

This is something that is very important. Senator MCCAIN is wrong. It would not be hard, for example, to find someone to serve on the Intelligence Committee. He said we cannot find people to serve on the Intelligence Committee and this will make it worse.

Walk through those doors and through another set of doors and you wind up in Senator DASCHLE's office. The most sought-after committee by Democrats in the Senate is the Intelligence Committee. There is a long line of people wanting to serve on that committee. Why? Because it deals with the most important aspects of what goes on in this country. It deals with the intelligence aspects of our Federal Government. They deal with what no one else deals with. Senator ROBERTS and Senator ROCKEFELLER have done a wonderful job with very few tools to do it with. What we did yesterday and what we are doing here today is creating an Intelligence Committee that has the tools to do work that they have done in a very difficult way. We are giving the Intelligence Committee superpower authority.

I suggest to my friend Senator MCCAIN, it is going to be easy to find people to serve on this committee. It has been easy in the past and it will be easier now because the committee is better than ever.

He describes the lack of oversight in the current intelligence process, but his process is to give only a handful of Senators unprecedented power. We propose more checks and balances. That is what we need—more, not less.

This amendment is an amendment that is offered in good faith. I know my friend from Arizona feels he is doing the right thing, but it is the wrong thing to do. It would be bad; it would consolidate power. This is exactly what we do not need.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Nevada, and especially I thank Senator ROBERTS who brings great expertise to this issue, given his position as chairman of the Committee on Intelligence.

I mention again the families and the Commission fully support this amendment. I have no doubt when we take this vote, my friends, that the Commission unanimously, and the families of September 11 support this amendment.

I will quote from Jim Thompson, former Governor of Illinois, a member of the Commission, who says:

> . . . I urge the Senate to make the Commission's recommendations for Congressional reform as high a priority as it made our other recommendations. The congressional reforms are important and necessary.

That is why the Commission was unanimously strongly recommending a new committee structure combining authorizing and appropriating authority in a simplified and functional Homeland Security committee structure.

Mr. Richard Ben-Veniste:

> I urge the Senate to make the Commission's recommendations for Congressional reform as high a priority as it made our other recommendations.

The Commission strongly recommended new committee structure combining authorizing and appropriating authority in a simplified and functional Homeland Security committee structure.

There is no doubt how the Commission stands or how the families stand. What this is all about is contained on page 419 of the 9/11 Commission report, the bestselling report:

> Of all our recommendations—

''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.

This is really what this amendment is all about.

> . . . the American people will not get the security they want and need.

So we are not talking about a turf battle here. We are not talking about who is going to do what and who is going to have the power of the purse. We are talking about the security that the American people want and need, according to the 9/11 Commission.

Mr. President, I am a bit of a realist. I think it is going to be very difficult to win this vote. ''Intense pressure'' has been put on Members of the Senate as well as members of the Commission.

I thank the members of the Commission who have stood up to that pressure, but I have no doubt that if this amendment goes down, we will perform two-thirds of our duties, and one-third, which, as the Commission pointed out, is the most difficult and most important, we will have failed that. And that is congressional oversight. That is really what this vote is all about.

Mr. President, I yield the floor and ask for the vote.

The PRESIDING OFFICER. Under the previous order, the vote will now be held on the amendment of the Senator from Arizona. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

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

The result was announced—yeas 23, nays 74, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—23

Alexander	Feingold	Nickles
Bayh	Fitzgerald	Roberts
Biden	Graham (SC)	Santorum
Cantwell	Kyl	Sessions
Collins	Lieberman	Snowe
Crapo	Lott	Sununu
DeWine	Lugar	Voinovich
Ensign	McCain	

NAYS—74

Akaka	Dodd	Levin
Allard	Dole	Lincoln
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bennett	Durbin	Miller
Bingaman	Enzi	Murkowski
Bond	Feinstein	Murray
Boxer	Frist	Nelson (FL)
Breaux	Graham (FL)	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Reed
Burns	Hagel	Reid
Byrd	Harkin	Rockefeller
Campbell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Shelby
Clinton	Inhofe	Smith
Cochran	Inouye	Specter
Coleman	Jeffords	Stabenow
Conrad	Johnson	Stevens
Cornyn	Kennedy	Talent
Corzine	Kohl	Thomas
Craig	Landrieu	Warner
Daschle	Lautenberg	Wyden
Dayton	Leahy	

NOT VOTING—3

Chambliss	Edwards	Kerry

The amendment (No. 3999) was rejected.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I think it may be important that we pause for a minute and figure out what we have done. I would like to have a colloquy with the Senator from Maine. We are now at a position where we are supposed to be consolidating authority in the homeland security committee. In fact, the distinguished Senator from Kentucky said last night:

> The most sweeping change we recommend is to consolidate congressional jurisdiction over the Department of Homeland Security. If you don't think this is major reform, ask the roughly 25 Senate committee or subcommittee chairmen who currently have jurisdiction over Homeland Security agencies or programs.

Truth in advertising: The homeland security committee has 38 percent of the Department's budget and 8 percent of the Department's employees. That is the great consolidation. Why don't we just stop, why don't we call it a night and say the heck with this farce. This is crazy. This is stupid.

The amendment I am about to propose does, what? Something shocking. It takes the Transportation Security Administration, which is the heart and soul of homeland security, and moves it to, guess what. The homeland security committee from the committee on which I have been proud to serve for 18 years.

Guess where the Coast Guard remains. The Coast Guard remains, guess where. In the Commerce Committee. This is a joke. This is a joke, I say to my dear friends.

Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Maine.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, can this Senator be part of that colloquy?

Mr. MCCAIN. Sure.

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

The Senator from Maine.

Ms. COLLINS. Mr. President, if we are going to create jurisdiction in one committee for homeland security, let's do it. Let's not pretend that we are doing it. Let's not do it in name only. As a result of the proposal put before the Senate with its exclusions and the amendment adopted this morning, as the Senator from Arizona indicated, the homeland security committee would have exclusive jurisdiction over less than 38 percent of the Department's budget.

It would have exclusive jurisdiction over fewer than 8 percent of the Department's employees. That is 13,000 employees out of 175,000 employees. There are more amendments filed that would take still more agencies away from the committee's jurisdiction.

Mr. MCCAIN. If the Senator will yield for a question, it is my memory, if my memory serves me correctly, after 9/11, the first major step that we took was the creation of what agency? The Transportation Security Administration? Is that true?

Ms. COLLINS. The Senator is correct.

Mr. MCCAIN. So what are we doing with the TSA, may I ask the Senator from Maine? Are we moving it into her committee so she has jurisdiction over it?

Ms. COLLINS. No.

Mr. MCCAIN. Ah, I can hardly believe that. I mean, after all, that is what homeland security is really all about, I thought.

Ms. COLLINS. The fact is that Congress has held 312 hearings over the past 2 years on homeland security. The Department has conducted 2,200 briefings. There are 25 Senate committees and subcommittees with jurisdiction over the Department of Homeland Security. This is an intolerable situation for the Department. It is why the Department and the President are pleading with us to consolidate all of the Department under one authorizing committee.

Mr. MCCAIN. If the Senator will yield for a further question, if Secretary Ridge or Deputy Secretary Hutchinson had to testify before Congress as far as the activities of the TSA, to whom would they testify?

Ms. COLLINS. They would testify all over. They testified before 88——

Mr. MCCAIN. But what about now?

Ms. COLLINS. Well, that is a good question. I have had hearings. Other hearings have been held. Twenty-five Senate committees and subcommittees have a claim over DHS. It is why Secretary Ridge called up in desperation and said: Please give us some relief from this. This is intolerable. We are supposed to be running the Department. Instead, we are constantly testifying.

Mr. STEVENS. Will the Senator yield to me on that?

Mr. MCCAIN. Sure.

Mr. STEVENS. I have a chart of the Department of Homeland Security summary of appropriations, and it shows the total amount is $38,840,000,000. The two items that are not in that jurisdiction that would come out total $11 billion. The total amount the homeland security committee will have is $22,945,000,000.

Now, Mr. Ridge appeared before the Commerce Committee under the chairmanship of the Senator from Arizona only twice.

Mr. MCCAIN. Secretary Ridge——

Mr. STEVENS. I am reliably informed the reason it went to the Commerce Committee in the first place was the Senator from Arizona wrote a memorandum for the Parliamentarian saying that is where it should be, in the Commerce Committee, because we have jurisdiction over all the means of transportation and all of the entities TSA deals with.

Now, the Senator's committee—I am a member of that committee—will not have jurisdiction over railroads, trains, buses, boats, all of the entities that TSA affects. TSA has moved into the facilities owned by those entities. They have not built their own buildings; they have moved into those occupied by the airlines, buses, wherever. The conflict we have to resolve is between TSA and entities that provide the transportation.

Now, if we are going to have a consolidation of jurisdiction, that is why we have done this, that is why the Senator from Arizona wrote the memorandum in the first place, because we have the jurisdiction over the means of transportation.

Mr. MCCAIN. The Senator from Alaska is probably correct that I asserted jurisdiction over transportation at the time that TSA was created. That was before the 9/11 Commission was formed and made their recommendations and their decision was made. At least we told the American people that we would give those responsibilities to that committee.

Now, maybe Ridge only testified before us twice; Hutchinson, many times. There were a multitude of hearings where we called upon TSA, exercising our oversight responsibilities, to provide us with information, briefings, and hearings.

The TSA belongs under homeland security, I say to the Senator from Alaska, whether they go by bicycle,

skateboard, or bus. The fact is that this is a joke when we leave the heart and soul of homeland security in the Commerce Committee, of which I am proud, and I know, according to the recommendations of the 9/11 Commission, must be consolidated.

I do not know what budget the Senator is looking at, but the facts that the Senator from Maine and I have is that it is 38 percent of the homeland security budget and 8 percent of the Department's employees.

My response is, fine, if the Senator from Alaska feels that it belongs in the Commerce Committee, he is entitled to that opinion. Let us just not tell people we are consolidating. Let us tell them the truth. Let us tell them it is business as usual in the Senate, as the last vote just proved. It is business as usual, and let us not waste the time of our colleagues and try to fool the American people that somehow we are making any significant changes when as it stands 8 percent of the Department's employees fall under the committee on homeland security and 38 percent of the budget.

Mr. STEVENS. I asked the Senator from Maine a question. I have not received a response. I am not a part of this dialog. I will make my statement later. I really take offense at the attitude of the Senator from Arizona.

Mr. MCCAIN. The Senator usually does.

Mr. STEVENS. Let's keep the personalties out of it.

Mr. MCCAIN. The Senator from Alaska asked to join in the colloquy and he was welcome to join the colloquy. If he chooses not to stay in the colloquy, then please do not remain in the colloquy.

Mr. STEVENS. I do not shout as loud as the Senator from Arizona and then interrupt people.

Mr. MCCAIN. The Senator is welcome to join in the colloquy. I thought the colloquy was an exchange of views, ideas, and thoughts. I certainly would look forward to engaging in any colloquy with the Senator from Alaska. I have the greatest respect for him and the power and authority that we just saw exercised in the last vote.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I want to clarify the issue. It is not just TSA and the homeland security functions of the Coast Guard that are not transferred to the new homeland security committee. It is the immigration functions of the bureaus of Customs and Border Protection, Immigration and Customs Enforcement, and the Citizenship and Immigration Services stay now in the Judiciary Committee. Certain functions of the bureaus of Customs and Border Protection and Immigration and Customs Enforcement stay in Finance. So I think if we add in all of the exclusions, then we get to the percentages that I quoted.

I say to my colleagues, my point is this: Are we going to do this or not? If we are not going to consolidate all of the functions of the Department of Homeland Security under one authorizing committee, as they are under one appropriations subcommittee, appropriately so, then let us not pretend that we are.

Mr. MCCAIN. Would the Senator yield for a question?

Ms. COLLINS. I would be happy to yield.

Mr. MCCAIN. What is the view of the Senator as to the primary role of the U.S. Coast Guard today?

Ms. COLLINS. The primary role of the Coast Guard today is port security. It has in some ways taken away from its many other important functions in fisheries enforcement and regulation, for example.

Mr. MCCAIN. Under this proposal that we are contemplating, where does the Coast Guard remain?

Ms. COLLINS. The Coast Guard would remain in the Commerce Committee.

The point is this: The administration has called for this consolidation. Let us either do it or not do it, but let us not pretend we are doing it by changing the name of a committee but only transferring to its exclusive jurisdiction 38 percent of the budget and 8 percent of the people.

If some of the pending amendments are approved, such as one to no longer have the Secret Service transferred, then we are just going to end up with jurisdiction over Tom Ridge's personal staff. That is about what is going to be left.

Mr. MCCAIN. If the Senator will yield for another question, I would like to mention as part of this colloquy a recommendation of the 9/11 Commission: Congress should create a single principal point of oversight and review for homeland security. Congressional leaders are best able to judge what committee should have jurisdiction over the Department's duties, but we believe that Congress does have the obligation to choose one in the House and one in the Senate.

Now, is it true that under an amendment that has just been adopted by voice vote earlier, more responsibilities have been taken from the Senator's committee?

Ms. COLLINS. The Senator is correct. The underlying resolution as amended this morning now leaves the vast majority of the homeland security jurisdiction in committees other than in the new homeland security committee. I think that is a mistake. I think, if we are going to take that route, then we have not done the consolidation that the administration has called for.

Perhaps that is the will of this body. I understand these issues are difficult, that committees think they have a special relationship with these agencies. But let's not pretend we are consolidating agencies to parallel the consolidation that we undertook when we created the Department of Homeland Security.

Mr. MCCAIN. I ask the Senator from Maine, I am sure she is aware but I think our colleagues should know, that the legislation creating the Transportation Security Administration, under the title ''Functions,'' reads:

> The Under Secretary shall be responsible for security in all modes of transportation including carrying out chapter 449 relating to civil aviation security, related research and development activities, security responsibilities over other modes of transportation, be responsible for day-to-day Federal security screen operations, for passenger air transportation, interstate transportation. . . .

It goes on and on. It is all security. That is the job of the Transportation Security Administration. That is one of the reasons why it is so named.

So rather than take the Transportation Security Administration and put it under the committee on homeland security and governmental affairs, we leave it in the Commerce Committee.

Ms. COLLINS. The Senator is correct. That is the effect of the underlying resolution.

AMENDMENT NO. 4000 TO AMENDMENT NO. 3981

Mr. MCCAIN. Mr. President, I perhaps foolishly have an amendment at the desk. I ask for its immediate consideration.

Mr. STEVENS. I object. What was the request?

Mr. MCCAIN. No, I didn't make a request. I said I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection setting aside the pending amendment?

Hearing none, it is so ordered.

Mr. STEVENS. I still don't understand. Is the Senator now calling up the amendment on Commerce?

The PRESIDING OFFICER. At the present time, yes.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4000 to amendment No. 3981.)

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To ensure that the Committee has jurisdiction over the Transportation Security Administration)
>
> On page 2, beginning in line 13, strike ''to the Transportation Security Administration,''.

Mr. MCCAIN. I pretty well described this amendment just as we were discussing in this colloquy. Basically, it moves the Transportation Security Administration from the Commerce Committee to the new committee on homeland security and governmental affairs. I pretty well described it. I think it is clear, given the responsibilities of the Transportation Security Administration which I read a few minutes ago. They all have to do with transportation security. Obviously, homeland

security is the appropriate place for it to be.

I ask consideration of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this is an important amendment for the Senate. I hope Members will listen because the Transportation Security Agency is the one that manages basically the entities at the airports, the bus stations, wherever they may be where people enter into forms of transportation.

All of those transportation means are under the jurisdiction of Commerce. I don't know about the rest of you, but I went to Nome one time and I found the Transportation Security Administration had moved into the Alaska Airlines terminal, owned by that airline, and said: Move out of the way. We have to put in these security devices. And they did that. They built a wall through that terminal and they proceeded to take it over.

I have had more complaints about the Transportation Security Administration than I have any other entity since I have been in the Senate because of the way they impact the traveling public.

I remind the Senate, there is a provision in the bill that authorized the Transportation Security Agency to transition to private enterprise when the time came that private enterprise could handle it. This is not a permanent Government entity. We sincerely believe that those involved in the transportation mechanisms should transition to the point where they, working with private enterprise, provide these functions. Right now these are temporary functions. We have provided Government employees to do it temporarily, not permanently. So this whole premise is that it should go over to the Governmental Affairs Committee—on which I am proud to serve and was once chairman—and they should oversee this entity, which we in Commerce want to see transition to become a part of the systems of transportation and not something maintained by Government forever.

This is not something that really ought to be done this way at all. I do not disagree with the Senator from Maine. There are a substantial number of entities that are under the jurisdiction of various committees that should come to the governmental affairs and homeland security committee, as it is now to be renamed. But in terms of that transition, those things do not impact the overall commerce of the United States the way this one does.

The Coast Guard, by the way—the Coast Guard's primary mission is not port security. It is to maintain the jurisdiction in the United States in peacetime over the waters that are essential to our commerce and in wartime to become part of the Department of Defense.

What sense does it make to split it up? By the way, a portion of the Coast Guard is already under Homeland Security. It is already there. We agreed to it in the bill that created the Homeland Security Department. This takes the rest of it, the part that deals with fishing, that deals with boat inspection, that deals with the various aspects of using the Coast Guard around the world as it did off Iraq when it had the job of handling interdicting shipping that violated the sanctions against Iraq importing certain goods. That was done by the Coast Guard. This isn't homeland security, either.

Its primary function up my way is to patrol the fisheries, to maintain the maritime border. That has nothing to do with the security of the United States. It has to do with the protection of the basic resources of our oceans.

If anyone has worked with the Coast Guard, they know they are part of the drug interdiction job. Maybe DEA ought to be transferred to homeland security. I am not sure. But it is certainly not the kind of thing we are talking about now.

The Coast Guard has missions beyond ports. It has waterways, coastal security, drug interdiction, migrant interdiction, defense readiness, maritime safety, search and rescue. Search and rescue is absolutely essential to our State, to have the Coast Guard deal with those souls who are at sea, in danger. They do a marvelous job. They do environmental protection. What does environmental protection have to do with homeland security? That is a different matter—oil spills, contamination of the water, ice protections, and whether we can have transit of the vessels that are capable of going through ice. We now have a considerable number of icebreakers up our way. That is what they deal with.

There is an enormous number of categories that have nothing to do with homeland security and those that deal with homeland security we already transferred to homeland security. The idea the Coast Guard is taking now, the rest of it—the amendment would say, take the rest of it and put it over there. I don't know if it is in this one, but that is the proposal, as I understand it.

Admiral Collins, the Commandant of the Coast Guard, when asked about the future asset acquisition of the Commerce Committee this last April, stated:

> To enhanced mission performance, The Coast Guard must optimize its unique authorities and capabilities, accomplishing partnerships while gaining capacity it needs to complete the full range of our missions. New assets will be used to conduct fishery patrols, search and rescue cases, as well as protecting the Nation against terrorist attacks.

We have no problem putting the terrorist activities in. They are already in Homeland Security. You don't need this process to go through to split that jurisdiction up again.

The problem right now is that Commerce Committee, having jurisdiction over all forms of transportation, would be faced with the problem of how to deal with this Transportation Security Agency. I think the committee under the chairmanship of the Senator from Arizona has a great record in dealing with this. As a matter of fact, they approved nine bills this year alone related to transportation security in this Congress and none of them dealt with security. One did—the Aviation Security Improvement Act was enhancement of security with regard to airlines themselves.

I think if one examines the record of this Commerce Committee, it has conducted its jurisdiction under the Senator from Arizona. I look forward to continuing that as chairman in the next Congress.

I want to give my friend from Hawaii time to speak on this.

With regard to the nominations on the TSA and Coast Guard, they have been done in record time in Commerce. As compared to the rest of the Congress, nominations before our committee are expedited, and necessarily so. The impact of this matter obviously is that the confirmations of the Coast Guard will be taken over to homeland security. Those Coast Guard people do a lot more than just port security.

I am getting redundant.

But the difficulty with this is the transportation infrastructure itself should not be broken up. We should aim for the goal that this problem which is handled by TSA will be taken over by private enterprise. It should be. We envisioned that at the time we passed the original bill.

We have jurisdiction, as I said, over aircraft, rail, and highways. There is no question when we look at it that putting those concepts that affect our livelihoods right now and dragging them down is the considerable impact of TSA on their operations—not only on this operation as passengers, but the whole spectrum of the relationship with TSA to the transportation entities, I think, needs to be considered.

The McCain amendment would transfer jurisdiction over there to the homeland security and governmental affairs agency.

We had a hearing this morning about the plight of the airline industry. There is no industry that has been affected as much by TSA as the airline industry. TSA is examining how to counter the threat posed by shoulder-launched missiles. The FAA has that jurisdiction.

We have jurisdiction in Commerce over the FAA. Why should we transfer to Governmental Affairs the jurisdiction over an entity that is dealing with this type of equipment? They also have jurisdiction ultimately over some of the aspects of the transportation mechanisms themselves—design of airplanes, design of buses, design of trucks, cars; the whole thing. I believe all of that ought to stay where it is, with Commerce.

The FAA currently governs baggage weight and rules for lost and damaged

baggage. TSA only deals with baggage security. We are going to take baggage security and put a whole entity over there when the problem is the problem of the industry which has the responsibility legally for the baggage no matter who handles it. I think this is absolutely wrong.

Currently, the airline industry pays $14 billion in user fees, according to the air transportation testimony. Those fees have to be reduced. The only way to reduce them is to get TSA's function into the hands of private enterprise related to the entity they serve—not the whole transportation system but the system they are working with. TSA is designed almost as a ''one size fits all'' for everything. That should not be. We should have a security system that is related to the responsibility of those providing the transportation and let the users of that transportation pay for it and not the taxpayers. This is where in the long run we are going to go, and I believe it is the right thing to do.

I cannot believe we should have two committees dealing with the airline industry. Governmental Affairs has no competence in this area in terms of the impact of entities like TSA on the airline industry. We do. We assert it in the committee under the chairmanship of the Senator from Arizona. It has been a good relationship. I believe it should be continued.

I have talked a little bit about the Coast Guard. I don't think that is covered by this amendment. The current amendment covers only Commerce, as I understand it. Is that correct? I have not seen the amendment yet. Parliamentary inquiry: Does this amendment currently only apply to the Commerce Department? Is it under TSA and the Commerce Committee jurisdiction?

Mr. MCCAIN. It only applies to TSA.

Mr. STEVENS. I thank the Senator.

Does the Senator from Hawaii wish to be recognized?

Mr. MCCAIN. Mr. President, I don't want to take a lot of time. I wonder if we could get an agreement that perhaps Senator INOUYE be recognized for—how much time would he need?

Mr. INOUYE. Twenty minutes.

Mr. MCCAIN. Twenty minutes; followed by Senator LIEBERMAN for 5 minutes; Senator LOTT for 5 minutes; whatever time Senator STEVENS would need; and then 5 minutes for me to wrap up, followed by a rollcall vote.

Mr. REID. Mr. President, I don't know whether I will use any time, but I would like to be included to speak for up to 5 minutes.

Mr. MCCAIN. I ask unanimous consent for that agreement.

How much time does the Senator from Alaska need? Five minutes as well.

Let me repeat: I ask unanimous consent that the Senator from Hawaii be allowed 20 minutes; the Senator from Connecticut 5 minutes; the Senator from Mississippi 5 minutes; the Senator from Alaska 5 minutes; if needed, the Senator from Nevada 5 minutes; and the Senator from Arizona for 5 minutes, followed by a rollcall vote.

Mr. REID. Mr. President, I ask unanimous consent that the request be modified: that there be no amendments in order prior to final passage on this amendment.

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

Mr. MCCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I wish to join my colleague from Alaska in opposition to this amendment to transfer jurisdiction over the TSA to the soon-to-be renamed Governmental Affairs Committee.

As noted by Senator STEVENS, this amendment would effectively strip the Commerce Committee of its ability to oversee and coordinate the safety and security needs of our Nation's transportation system. To consider security in a vacuum, without understanding the impacts of security policy on the safety and operations of the mode of transportation, could give rise to unrealistic, contradictory, and counterproductive policies.

The McCain amendment would sever issues and responsibilities that have enabled the Commerce Committee to craft and enact two of the most significant transportation security measures this body has adopted since the 9/11, 2001 attack on our Nation.

The Aviation and Transportation Security Act created the TSA, the Transportation Security Administration, mandated the Federal takeover of aviation security functions, and created a fee to pay for the new responsibilities.

The Maritime Transportation Security Act created a new regime for maritime security within the TSA and the U.S. Coast Guard.

The Commerce Committee also successfully completed a conference with the House earlier this year on a second port security bill, the Coast Guard and Maritime Security Act.

These efforts were successful because of the Commerce Committee's understanding of the transportation industry, and the integral link between security, safety, and operations.

The committee has worked for more than a decade to improve transportation security and has had to deal with the inertia of the Federal Government as well as fight entrenched interests to change the way we secure the transportation system.

As far back as 1996, attempts were made to transfer security functions from the airlines to the Federal Government. Similarly, the port security act was initiated prior to the terrorist attacks of 9/11. The 9/11 attacks created sufficient public pressure to fundamentally change the way the Federal Government secured our aviation system and the ports.

The problems we are having in improving security are not the result of an outdated committee system; they are the result of ''growing pains'' of a newly created department with insufficient resources to fulfill its responsibilities.

The 9/11 Commission made many recommendations. However, the recommendations with respect to the transportation sector were very general, with no specifics. An effective approach would require taking operational needs of transportation systems, the funding streams for these systems, the economics of the industries, and the safety regulatory framework that is so crucial to protecting our citizens.

In setting transportation security policy, all of these aspects come into play: safety regulations imposed by the Department of Transportation, safety regulations and recommendations by the National Transportation Safety Board, and the need to efficiently move passengers and cargo.

For example, the Commerce Committee developed legislation to strengthen cockpit doors based on its jurisdictional aviation funding programs, the FAA's certification approval process, and aviation system safety. We had working knowledge of aircraft structure and the carrier maintenance schedules.

The Commerce Committee was able to develop funding streams for the installation of another explosive detection system because of the committee's jurisdiction over airport funding programs and the use of the airport and airways trust fund.

Similarly, the authorization for pilots to carry guns required an understanding of a wide variety of issues, including structural integrity of the aircraft, training programs, and the pilot licensing process.

For example, if you left it up to a gun merchant or gun expert, he might say, give the pilots a .45. If you fired a .45 in one of those aircraft, it will blow the plane apart under the pressure of the atmosphere. So we have some sort of background and knowledge about aircraft structure. So the pilots would be carrying a smaller caliber pistol, something that will not put the aircraft into an explosive position.

You cannot separate safety considerations, security considerations, and the operational theory. Keep in mind that when we passed the Airport Security Act, we initiated a user fee system, a system where the beneficiaries, if you want to call them that, the airlines, pay a fee for the metal detectors, pay a fee for the x ray machines, pay a fee for the personnel. They have been paying $14 million per year.

If you separate this function to another organization that will have no knowledge about the economics involved in the airlines, not realizing that the airlines are now on the verge of bankruptcy, who knows, we may really put them out of business. And the major mission of our airlines is to

carry passengers, to carry on the mobility of the citizens of the United States.

Transportation security decisions cannot be separated from the safety and operational concerns. The Senate leadership, tasked with the mission of developing a reorganization plan, recognized this vital link. That is why the leadership amendment keeps matters relating to the Coast Guard and the transportation security within the jurisdiction of the Commerce Committee.

Even the Department of Homeland Security recognizes that security decisions can have safety and operational ramifications. This link is embodied in a recent memorandum of understanding between the Department of Homeland Security and the Department of Transportation.

Transportation security and safety are so intertwined that separating them, as the McCain amendment would do, could do harm rather than benefit our transportation system.

After we created the Transportation Security Administration, long before we had a Department of Homeland Security, the President put in charge a tough law enforcement official who knew little about transportation. He did not last long because he knew only one side of the equation. He was succeeded by Admiral Loy who understood not only the balance between safety and security but the need to support policies and positions to maintain our safety needs while meeting our security challenges.

Those tasked with the responsibilities of securing our transportation system must take into account the intricacy of the operations of the system, from safety standards to mock in place realities. The two cannot be separated. Without such context, security decisions will be made in a vacuum that at best might produce misguidance and extraneous efforts and at worst could triple the transportation modes that ensure the free flow of commerce and traffic upon which our Nation has been built.

Competition, safety, and security are interrelated and inseparable aspects of interstate transportation, and each element significantly impacts a carrier's operation.

I realize this amendment does not discuss the Coast Guard, so I will not discuss that matter at this moment.

This is not a debate about protecting turf. It is a debate about the best way to do the job our Nation has entrusted to us. It is about our role in transportation safety and security and our ability to craft effective and timely solutions.

Although the report said Congress should create a single board of review for homeland security, I feel certain the commission did not intend that such a consolidation would result in more harm than good. Each of us must look at what is in the best interest of our Nation. Senators REID and MCCONNELL have done that. Therefore, I urge my colleagues to vote against the McCain amendment.

Finally, it has been said the homeland security proposal submitted by the leadership of the Senate did not change the status quo. It recommends, as this resolution will point out, that the new homeland security and governmental affairs committee have sole jurisdiction of three of the four directorates in the Department of Homeland Security: directorate of information analysis, science and technology programs under the under secretary, and emergency preparedness and response director.

Yes, we have tried our best to make a change but not at the expense of a good, efficient, safe, and profitable transportation system.

Mr. REID. Mr. President, as we were listening to Senator MCCAIN and the unanimous consent request for time, the cloakroom had a call from Senator LAUTENBERG. I ask unanimous consent that the order now before the Senate be amended to allow Senator LAUTENBERG 10 minutes. I am hopeful I will not have to use my 5 minutes, so it would not extend things for more than 5 minutes, 10 at the most. I ask Senator LAUTENBERG be allowed 10 minutes prior to Senator MCCAIN speaking.

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

Mr. LIEBERMAN. I rise to support this amendment. When the 9/11 Commission Report came out—and the Commissioners said the top three priorities were the creation of a national intelligence director; second, national counterterrorism center; and, third, reform of congressional oversight of intelligence and homeland security functions—a lot of cynics said none of this is going to be easy; maybe they will be able to reorganize the administrative branch of our Government, but they will never do the job themselves on themselves.

I am afraid the Senate is in the process of proving the cynics right, and it is a shame. We are creating a shell here. This is like a shell game. We are calling a committee a homeland security committee, but if you pick up the shell, there is not much homeland security under it.

I remember when the Department of Homeland Security legislation, in the aftermath of September 11, was brought before our committee and before the Congress. This was originally a recommendation of the Hart-Rudman Commission which some of us picked up and advocated here in the Congress.

During the legislative consideration of the Homeland Security Department, almost every agency that is now a part of the Department came to us and said: We can't go to this Department; it is too big; we can't work together. We appealed to them that they had to put their own interests aside, and in the aftermath of September 11, a national crisis which proved we were not organized to protect our homeland, they had to get together in one department and make it work for the public's benefit. We accomplished that in the Department, and they are now. It has not all been smooth, but I don't think there is anybody who would say we are not safer today than we were before the creation of the Department of Homeland Security because they are all working together.

That is why the 9/11 Commission said, if you want to do effective oversight of homeland security, if you want to make sure the Secretary of Homeland Security is not spending so much time jumping around from committee to committee up here in Congress but actually protecting the homeland, then create one homeland security committee of the Senate and the House.

I have no particular argument to be made about which committee that should be. In the legislation Senator MCCAIN and I put in, we mirrored the report of the 9/11 Commission: Either give one existing committee all of the homeland security oversight legislatively or create a whole new committee on homeland security. The Senate is on a path to do neither and, therefore, not meet the challenge of the 9/11 Commission and the challenge of our current circumstances in the war on terrorism to create such a committee.

Here in this amendment, Senator MCCAIN is trying to restore to the Governmental Affairs Committee, or being renamed the homeland security committee, the Transportation Security Administration. The total Department of Homeland Security has 175,000 employees. TSA has more than 51,000. Its functions are totally with regard to homeland security. Incidentally, the Coast Guard is totally within the Homeland Security Department. There may have been some misunderstanding about that here. Some of its functions are clearly not directed to homeland security. But TSA is totally homeland security. It belongs in the Department of Homeland Security, and it belongs in the committee designated here in the Senate to do oversight and authorization of homeland security.

So I appeal to my colleagues, if you want to give this title to the Governmental Affairs Committee, fine. Senator COLLINS and I and members of our committee will do the best job we can. But if you are giving us the title, give us the responsibility to do the job right. If not, give it all to another committee or create a new committee. But right now, remembering the famous old saying about "if it walks like a duck and quacks like a duck and looks like a duck, it must be a duck," we are creating a committee that does not have the budgetary authorization for most of the Department of Homeland Security, does not oversee most of the employees of the Department of Homeland Security, and we are calling it the committee on homeland security. It is not. And I do not see a good reason for doing it other than business as usual here in the Senate.

So I appeal to my colleagues, let's do what is right for the country and put all of this in one committee. You can decide which one you want it to be. It does not have to be the one I happen to be ranking Democrat on. But let's do what is right and put it in one committee.

I thank the Chair and yield the floor.

Mr. MCCAIN. Mr. President, what is the order?

The PRESIDING OFFICER. The Senator from Mississippi is the next Senator to be recognized.

Mr. MCCAIN. When is the Senator from New Jersey to speak?

The PRESIDING OFFICER. The Senator from New Jersey is to speak just before the Senator from Arizona is to close.

Mr. MCCAIN. Mr. President, may I be recognized before the Senator from Mississippi? I think it is appropriate for the Senator from Alaska to speak, as the main opponent of the amendment, before I speak, which would be after the Senator from New Jersey. I ask unanimous consent that the Senator from Alaska be allowed to speak prior to me speaking, which would then wrap it up, since the Senator from Alaska is the primary opponent of the amendment and I am the sponsor of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, I don't know what that does to the other order.

Mr. MCCAIN. It puts the Senator from New Jersey, Mr. LAUTENBERG, prior to you rather than after you.

Mr. STEVENS. That is fine. I have no objection. Senator LOTT precedes that?

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

Mr. STEVENS. Mr. President, there is not a quorum call in effect, is there?

The PRESIDING OFFICER. There is not.

Mr. STEVENS. I am informed Senator LAUTENBERG will not be returning to the floor to speak. Next will be Senator LOTT, right?

Mr. MCCAIN. Yes, Senator LOTT.

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. LOTT. 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. LOTT. Mr. President, under the time agreement, is this the time that I will have to speak on the amendment?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, first I want to speak on the broader subject, and with only 5 minutes, I don't have much time. But I am really worried that what we are doing here is not enough. I understand that the whips, who have been designated to carry out this task by our leaders, Senator MCCONNELL and Senator REID, have worked very hard to try to accommodate everybody's interests and concerns, but there is something bigger here than just individual interests and concerns or turf or jurisdiction, and I feel a lot of that is still at play.

If we do not do anything more to this resolution than what is already in it, it is worth having. I do not want to complain about that. At least we are making the Intelligence Committee permanent.

There are a number of things that are in this resolution that are worth having, but I am worried it is not enough. I don't like going against my friends and colleagues on the Appropriations Committee, Senator STEVENS, Senator COCHRAN. I have faith in both of them. But I don't have faith in the way the system is set up now. The way things are spread out all over this institution, both on intelligence and homeland security, it is a prescription not to be able to do our job. That really does bother me. I didn't feel this way until I went on the Intelligence Committee.

But I say to my colleagues, after a year and a half on the Intelligence Committee, I am really scared. I am worried that our intelligence community has not done its job and that it is not organized properly. We are trying to do something about that with the legislation we passed yesterday. I don't think we did enough. I still think there are a lot of people trying to protect the status quo. The Pentagon doesn't want to give up 80 percent of the budget. They want to make sure that everything is done the way it has been being done. The Pentagon wants to make sure the Secretary of Defense still controls certain nominations. Again, too many people are worried about trying to keep what they have now when what we ought to be worrying about is how do we do a better job of getting better intelligence, not only for the men and women in the military but across the board in intelligence.

And this is the thing that really bothers me: part of it is our fault. We have not been doing our job. What is the proof? Look at 9/11. Look at the other things that we have found that the intelligence community did not know were about to happen or gave us information that was not accurate. If they failed, we failed.

When these two pieces of legislation are finished, both the intelligence reform in the administration and the congressional reform, are we going to be better off? Are we going to have somebody we can hold accountable? Are we going to be able to make sure the Pentagon is doing its job, the CIA is doing its job? I don't believe so. The intelligence authorization committee is not set up to do the job. Even with this arrangement we are working on now, it is all going to be controlled by appropriations and the black budget.

I want to emphasize, I trust Senator STEVENS, and I know he wants the security of this country to be looked after. But if we are not going to have an Intelligence Committee with the authority to do the job and without the knowledge of what is happening on appropriations, I would recommend we all get off because we are going to be held responsible and we are not going to be able to do the oversight that is necessary.

We are working at it. That is good. I commend everybody. On the homeland security, I debated on this particular point. I am on the Commerce Committee. I want all the jurisdiction we can possibly get. I am very concerned about the Coast Guard. The Coast Guard should be more than port security. The Coast Guard is about search and rescue. The Coast Guard should be about drug interdiction, which it is. It has a big agenda. I think you can make a strong case that it ought to stay in the Commerce Committee, and under the amendment, as I understand it, it would. That is a critical point.

But if we are going to have a separate homeland security committee, or if we are going to put that issue under the Governmental Affairs Committee, we ought to do it in a way where we do cut down this duplication. I, again, am worried that we are talking about doing more than we are really doing.

I have debated about whether we need a separate homeland security committee. But I think if we are going to do it, to only put 38 percent of the homeland security matters before the committee is not accomplishing the job, just like I am worried that on intelligence authorization, we still have not solved the problem with sequential referral to the Armed Services Committee. We still have not solved the problem about how do the authorizers know what the appropriators are doing, and how do the appropriators know what the authorizers are doing. We are not doing enough.

I urge my colleagues, as we to go conference on the other bill, more work needs to be done. As we work toward completion on this legislation, I hope we will strengthen the hand of those who have negotiated on it and those who are going to be held responsible for what is the end result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, under the order, Senator LAUTENBERG has 10 minutes. He will not need that time so that can be stricken. What is the order of the speaking now?

The PRESIDING OFFICER. The Senator from Nevada has 5 minutes, followed by the Senator from Alaska, followed by the Senator from Arizona, each for 5 minutes.

Mr. REID. Mr. President, I don't have a dog in this fight other than the fact that I have worked for a month to the point where we are now. I don't want anyone here to think the new committee on homeland security-governmental affairs does not have a lot of

work to do and a lot of jurisdiction. They are totally responsible for three directorates. The new homeland security-governmental affairs committee will have sole jurisdiction over three of the four primary directorates in the Department of Homeland Security: science and technology directorate, emergency preparedness and response directorate, information analysis and infrastructure protection, and share parts of the directorate of border and transportation security.

For my good friend, the Senator from Maine, to stand and say, We don't have anything to do, basically, is simply not factual.

I would also say we have transferred jurisdiction from 10 standing committees and given jurisdiction to this committee. This is not a numbers game as to how many employees are involved. It is the number of functions they have been asked to take a look at. And if it is any indication that we haven't given them anything, you should understand that every chairman of the 10 committees has been telling us we gave them too much. You can't have it both ways.

I would also say, even though I don't have a dog in this fight, no one should ever suggest that Senator INOUYE and Senator STEVENS are not equipped to handle what has been left with them in Commerce. Remember, Senator INOUYE is a Medal of Honor winner. Senator STEVENS is a World War II veteran. That may not make them better Senators, but it certainly doesn't make them worse Senators.

The only reason I am standing, people can vote however they believe they should, but they should not vote based on the fact that we have given this new homeland security subcommittee no jurisdiction. They have lots of work to do, including all the work they did before. It is not as if they don't have anything to do. They have all they had to do before plus all the other things they have been given as a result of this legislation that we hope will pass soon.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think the Senate should realize that when you are talking about the Transportation Security Agency, we are talking about 45,000 screeners in the current system. Passenger screening takes about $1.8 billion; baggage screening, $1.3 billion. Security and enforcement takes $703 million. The security part of TSA is very small compared to the manpower looking at passengers and baggage. That is their primary function now. And of this $2 billion, $70 million comes from aviation user fees, and $95 million comes from transfer from carryover for the fiscal year 2003.

This is a function, in terms of this part of the homeland security agency, that is directly related to the transportation mechanisms. We urged and have continued to urge that the aviation industry pay the vast portion of this now because the major portion of TSA affects the airports and airways. We believe, and I sincerely believe, that we should find a way to have airlines collecting these user fees, have them provide the kind of screening that is necessary for the passengers and for their baggage.

As a matter of fact, we have placed in this bill—this is the Homeland Security appropriations bill, of which I am a member of the conference, and they are meeting right now—a substantial amount of taxpayer money to continue this process of getting all of the baggage screening and all the passenger screening done. But the bulk of the money, two-thirds of the money each year is coming from the aviation industry itself, which is currently terribly hampered. They are hiring people still. In the small airports, it is very unique because they still have the people who are handling the passengers, but they have these people hired by TSA who are using a third or more of their buildings. That has to stop. That has to transition to a private enterprise.

If we do this, and we put it in Governmental Affairs, that is not going to happen. They don't have the pressure from the entities that are carrying these passengers. We do in Commerce, and we have tried our best so far to meet the process and to be fair to both the Governmental agencies that have the temporary job and the transportation agencies that are paying the bulk of the cost of that job.

But there has to be a transition. We cannot keep it up. In fact, very soon the airlines are going to be unable to pay those charges. They are going to have to be paid by the taxpayers. We heard this morning they are not even going to be able to make their contribution to the retirement funds. This must be changed.

I will use the remainder of my time to say I agree with Senator LOTT. We had a conversation at noon today about the whole system. It hasn't been since 1977 that we reorganized the Senate. We should do that. We should recognize the changes in the economy, changes in our people, changes in the whole global concept. But we have not done that. This is attempting now—because Homeland Security agencies have come upon us—by the way, it has been on us for a while; we didn't need the 9/11 Commission to tell us what to do. We created Homeland Security before they were created. They took it upon themselves to tell us how to do our own laundry. We can do this ourselves.

By January, we will have to see what the House has done. We have the problem of dealing with 100 people, but they have 435 in the House. We are going to have to change to meet the reorganization they are going to bring about. They have a reorganization group going. We should have a reorganization group. With this group, the two whips have done a marvelous job trying to meet the demands of the 9/11 Commission, which is piecemeal as far as the Senate is concerned.

We should have another reorganization. Whose job is that? That is the job of Rules and the Governmental Affairs Committees to reorganize and find a way to deal with the reorganization that is required for the Senate to meet current and future needs. This isn't the way to do it.

The Senator keeps mentioning that two-thirds somehow or another is in Commerce. That is not so. We have one-third of this budget. We have one-third of the burden from the financing of Homeland Security, which is in TSA. I have the figures.

I have table 3 from the Department of Homeland Security summary of appropriations for fiscal 2004 and 2005. This is prepared by the CRS. I ask unanimous consent that it be printed in the RECORD.

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

TABLE 3.—DEPARTMENT OF HOMELAND SECURITY: SUMMARY OF APPROPRIATIONS

[In millions of dollars]

Operational component	FY 2004 enacted	FY 2005 request	FY 2005 House	FY 2005 Senate	FY 2005 conf.
Title I: Departmental Management and Operations:					
Subtotal: Title I	453	713	584	562	
Title II: Security, Enforcement, and Investigations:					
Office of the Undersecretary for Border and Transportation Security	8	10	10	9	
Visitor and Immigrant Status Indicator project (US VISIT)	328	340	340	340	
Customs and Border Protection	4,899	5,122	5,154	5,158	
Immigration and Customs Enforcement	3,407	3,307	3,363	3,760	
Transportation Security Administration	2,508	3,152	3,225	3,412	
U.S. Coast Guard	6,764	7,335	7,307	7,469	
U.S. Secret Service	1,134	1,163	1,183	1,163	
Subtotal: Title II	19,048	20,430	20,583	21,311	
Title III: Preparedness and Recovery:					
Office of Domestic Preparedness/Office of State and Local Government Coordination and Preparedness	4,013	3,561	4,115	4,034	
Counter terrorism fund	10	20	10	10	
Emergency Preparedness and Response	9,351	5,625	5,425	5,648	

TABLE 3.—DEPARTMENT OF HOMELAND SECURITY: SUMMARY OF APPROPRIATIONS—Continued

[In millions of dollars]

Operational component	FY 2004 enacted	FY 2005 request	FY 2005 House	FY 2005 Senate	FY 2005 conf.
Subtotal: Title III (current year, net)	13,374	9,206	9,550	9,692	
Title IV: Research and Development, Training, Assessments, and Services:					
Citizenship and Immigration Services	235	140	160	140	
Information analysis and infrastructure protection	834	865	855	856	
Federal Law Enforcement Training Center	192	196	221	224	
Science and technology	913	1,039	1,132	1,059	
Subtotal: Title IV	2,173	2,240	2,368	2,279	
Amount in this bill, for any year	35,048	32,590	33,085	33,085	
Scorekeeping adjustments (rescissions; airline relief) (net)	(−4,786)				
Total, Dept. of Homeland Security	30,262	32,590	33,085	33,844	
Discretionary (current year, this bill)	29,242	31,504	32,000	32,000	
Mandatory	1,020	1,085	1,085	1,085	
Section 302(b) allocation	29,242		32,000	32,000	
Difference, bill and allocation	0		0	0	

Source: H.R. 4567 passed by the House June 18, 2004; S. 2537 introduced by the Senate June 17, 2004; and unofficial House Appropriations Committee tables, April 8, 2004.

Mr. STEVENS. Mr. President, it is very clear. We are talking about one-third, not two-thirds.

The other part of this is the other agencies spread throughout this maze of jurisdiction we have. When we reorganized in 1997, someone used a mixing bowl, and the committees spilled out first. It wasn't a good, sound reorganization. We need a good, sound reorganization. This is not the way to do it.

Mr. MCCAIN. Mr. President, I want to quote from the 9/11 Commission report so we can put this into the perspective that I think this amendment deserves:

Of all of the 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 underlying resolution, as amended, leaves the vast majority of homeland security jurisdiction in committees other than the new homeland security committee. TSA and the Coast Guard stay in Commerce. By the way, the Coast Guard is under the Department of Homeland Security. The revenue functions of the Bureau of Customs and Border Protection and Immigration and Customs Enforcement stay in Finance. The revenue functions of the Bureau of Customs and Border Protection and Immigration and Customs Enforcement and Citizenship and Immigration Services stay in Judiciary. It goes on and on.

Screeners are responsible for security. The Coast Guard's primary responsibility is our Nation's security. I wish they could return primarily to their old line of work.

So what do we end up with? We end up with a homeland security committee with jurisdiction over less than 38 percent of the Department's budget and fewer than 8 percent of the Department's employees. TSA employs 51,000 people. Those remain under the Commerce Committee. Not only that, but it is clear that what we have done here is essentially nothing. What we ought to do, perhaps, is just say we failed. I am not going to rant and rave anymore about how unfortunate it is that the Appropriations Committee is able to, as they have in the past, fund programs that the Intelligence Committee has thoroughly scrutinized and say should be canceled, at a cost of billions of dollars.

I think we all know what the job of the Transportation Security Administration is. It is security. It is fighting the war on terrorism. Where should it be? It should, obviously, be under our new committee on homeland security and governmental affairs. So I won't bring up an amendment on the Coast Guard. The Coast Guard should be also under this committee because it is under the Department of Homeland Security. It is just logical.

So as I say to my colleagues, if this amendment fails, why don't we just call it a day and say it is business as usual. We have had great success on executive reorganization and I am proud of the work the committee has done. Unfortunately, we have failed to act in any significant manner as far as the reorganization of the Senate is concerned, and that was recognized by the 9/11 Commission.

I yield the remainder of my time, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. MCCONNELL. Before the vote, Mr. President——

Mr. MCCAIN. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is to proceed to a vote.

Mr. MCCAIN. I don't object, Mr. President. I wish the Senator from Kentucky had asked for time during the normal unanimous consent agreement. I don't object.

Mr. REID. He is not going to speak on the amendment.

Mr. MCCONNELL. Mr. President, I was going to say to our colleagues that it is the intention of Senator REID and myself to continue to process amendments into the evening, with the goal of finishing tonight. We still have 30-some-odd amendments. There is certainly no requirement that they all be offered. We intend to keep plowing ahead and try to reach the finish line tonight.

Mr. REID. Mr. President, the two leaders are emphatic that they want to move forward. We have a lot of stuff to do. Tomorrow is the scheduled day for departure. That will be difficult. I wish people would follow the example of the Senator from Arizona, and I say that seriously. He never takes a lot of time. He doesn't waste a lot of time. He sets a tone for how we should move forward. I appreciate his cooperation on these two very important amendments. These are the two most important amendments we will have on this bill now before the body. I appreciate his cooperation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona.

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 Georgia (Mr. CHAMBLISS) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—33

Alexander	Feingold	Lincoln
Bayh	Feinstein	Lott
Biden	Fitzgerald	Lugar
Bingaman	Graham (FL)	McCain
Carper	Graham (SC)	Nickles
Chafee	Hagel	Pryor
Coleman	Inhofe	Santorum
Collins	Jeffords	Specter
Cornyn	Kyl	Sununu
Crapo	Levin	Talent
Enzi	Lieberman	Voinovich

NAYS—63

Akaka	Brownback	Conrad
Allard	Bunning	Corzine
Allen	Burns	Craig
Baucus	Byrd	Daschle
Bennett	Campbell	Dayton
Bond	Cantwell	DeWine
Boxer	Clinton	Dodd
Breaux	Cochran	Dole

Dorgan	Kohl	Roberts
Durbin	Landrieu	Rockefeller
Ensign	Lautenberg	Sarbanes
Frist	Leahy	Schumer
Grassley	McConnell	Sessions
Gregg	Mikulski	Shelby
Harkin	Miller	Smith
Hatch	Murkowski	Snowe
Hollings	Murray	Stabenow
Hutchison	Nelson (FL)	Stevens
Inouye	Nelson (NE)	Thomas
Johnson	Reed	Warner
Kennedy	Reid	Wyden

NOT VOTING—4

Chambliss	Edwards
Domenici	Kerry

The amendment (No. 4000) was rejected.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I know Senator HATCH has an amendment. I do not see him on the floor at the moment.

I do see him on the floor. I am hopeful that Senator HATCH will shortly be prepared to send his amendment to the desk.

Mr. DURBIN. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. I yield the floor.

Mr. DURBIN. I ask the Senator from Kentucky, I have a pending amendment which has been agreed to with a modification by Senator ROBERTS. I am prepared to offer it whenever appropriate so we can take care of it.

Mr. MCCONNELL. It appears as if Senator HATCH may not be quite ready, so why don't we have Senator DURBIN go ahead and offer his amendment.

AMENDMENT NO. 4036 TO AMENDMENT NO. 3981

Mr. DURBIN. Mr. President, I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4036 to Amendment No. 3981.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the provisions relating to the staffing and budget of the select Committee)

In section 201, at the end of subsection (g), add the following:

''(d) Of the funds made available to the select Committee for personnel—

''(1) not more than 55 percent shall be under the control of the Chairman; and

''(2) not less than 45 percent shall be under the control of the Vice Chairman.''.

Mr. DURBIN. Mr. President, I have good news for the Chamber. I believe we have reached an agreement on this amendment which will help us move this important resolution along.

I saw Senator ROBERTS on the floor a moment ago. I have had a conversation with Senator ROBERTS and Senator ROCKEFELLER. The purpose of this amendment is to move us closer to the bipartisan model which we want to establish for this important intelligence committee. Yesterday, with an overwhelming vote of 96 to 2, the Members of this Chamber adopted the intelligence reform suggested by the 9/11 Commission, and it is a product of the fine bipartisan cooperation of Senator SUSAN COLLINS of Maine and Senator JOE LIEBERMAN of Connecticut.

I believe in the time I have been fortunate enough to represent Illinois in the Senate, it was one of our finer moments because we responded to a national crisis. We did it in a timely fashion. We did it in an orderly way. We brought together amendments which were substantive and numerous and voted in nonpartisan rollcalls. We came to the floor, and after a week and a half of debate brought this bill out with a vote of 96 to 2 to reform the executive branch. I think the message of the process and the message of the reform bill is that we want to take partisanship out of the intelligence operations of the executive branch.

I believe by the joint effort of the Senator from Nevada, Mr. REID, and the Senator from Kentucky, Mr. MCCONNELL, we are seeing that same thing today about the legislative branch.

This amendment which I propose is an effort to move us closer to parity in staffing. I believe that establishing this by rule is a good thing for the future of the Intelligence Committee. What it says is that regardless of the partisan split of the committee, which is now a split of eight to seven, if I am not mistaken, we are going to divide staff by a 55–45 proportion, 55 percent to the chairman representing the majority of the committee, and 45 percent to the ranking member representing the minority on the committee.

Along with Senator ROBERTS, who is on the majority side of this committee, and Senator ROCKEFELLER, the ranking member, we had a conversation and we have agreed to a new number which I will present as a modification to this amendment shortly. It is a number of 60 percent for the chairman with the majority membership of the committee, 60 percent of the staffing funds in control of the chairman, and 40 percent of the funds in the control of the minority ranking member.

I think this is a fair compromise. I believe it is offered by both sides in the spirit of moving us toward this bipartisanship on the Intelligence Committee. I believe it will have the net effect of improving the product of the committee.

Let me quickly add that I don't believe there are necessarily Democratic or Republican answers to the tough issues we face on the Intelligence Committee. But I believe both sides should be adequately staffed so they can rise to the occasion when we face challenges for investigations and hearings that are held with witnesses being brought before us. By establishing 40 percent of the personnel funds to the ranking member and 60 percent to the chairman, I think we are moving closer to that model.

For those who have been involved, Senator MCCONNELL and Senator REID, let me make it clear this would apply to the committee staff and not to individual member staffs. The effort in the preparation of this resolution was made so that every member of the Intelligence Committee who has personal staff would not be affected by this amendment. The 60–40 would apply strictly to the other committee staff over and above the personal staff of the committee.

Mr. MCCONNELL. Mr. President, will the Senator yield for a question?

Mr. DURBIN. Yes.

Mr. MCCONNELL. I believe the amendment at the desk is 55–45. Is the Senator going to modify the amendment?

Mr. DURBIN. Yes. At this point I will be happy to yield for any other questions or comments.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would like to verify what the Senator from Illinois has said.

Senator ROBERTS can't be here at this particular time, but he authorized me to say he is in agreement with this. It is a sensible approach. It is bipartisan in nature. As far as we are concerned, there is agreement on both sides. What the managers decide is up to them.

AMENDMENT NO. 4036, AS MODIFIED

Mr. DURBIN. Mr. President, if there are no further comments or questions, I ask unanimous consent that the amendment now pending before the Senate be modified on its face, and in paragraph (d), subparagraph (1), the number 55 be changed to 60; and in paragraph (d), subparagraph (2), the number 45 be changed to 40.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4036), as modified, is as follows:

In section 201, at the end of subsection (g), add the following:

''(d) Of the funds made available to the select Committee for personnel—

''(1) not more than 60 percent shall be under the control of the Chairman; and

''(2) not less than 40 percent shall be under the control of the Vice Chairman.''.

Mr. DURBIN. Mr. President, I urge adoption of the amendment.

Mr. MCCONNELL. Mr. President, I believe we are prepared to move forward.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4036), as modified, was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, Senator HATCH is here and ready to offer an amendment.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 4037 TO AMENDMENT NO. 3981

Mr. HATCH. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. LEAHY, and Mr. SPECTER, proposes an amendment numbered 4037 to amendment No. 3981.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To retain jurisdiction over the Secret Service in the Committee on the Judiciary)

In section 101(b)(1), after ''Service'' insert '', and the Secret Service''.

Mr. HATCH. Mr. President, I rise to offer a Leahy-Specter-Hatch amendment that would preserve the Judiciary Committee's oversight jurisdiction over the U.S. Secret Service.

The reason for the amendment is not simply the committee's longstanding relationship with the Secret Service, although that relationship is strong and healthy. It is a very good reason why we should retain the status. The Judiciary Committee has had jurisdiction over the Secret Service's title 18 authority since June 25, 1948. I was astonished to hear one of my colleagues say on the floor earlier today that the Judiciary Committee was trying to move jurisdiction to the Judiciary Committee. The committee has had jurisdiction over the Secret Service for the last 56 years.

The more important reason is that a huge percentage of Secret Service operations are authorized by title 18 of the criminal code. That will obviously and appropriately remain under the Judiciary Committee's jurisdiction. If the point of this bill is to reform congressional oversight, then it would make no sense to reduce the Judiciary Committee's ability to examine how title 18 of the criminal code authority is used while continuing to rely upon the Judiciary Committee to make sure that title 18 provides appropriate authority to the Secret Service.

A little bit of history may be helpful. The Secret Service was established as a law enforcement agency in 1865. While most people associate the Secret Service with Presidential protection, its original mandate was to investigate counterfeiting of U.S. currency. Today, the primary investigative mission of the Secret Service is to safeguard the payment and financial systems of the United States.

The Secret Service has exclusive jurisdiction for investigations involving the counterfeiting of U.S. obligations and securities. That authority to investigate counterfeiting is derived from title 18 of the United States Code, section 3056. Some of the counterfeited U.S. obligations and securities commonly dealt with by the Secret Service include U.S. currency and coins, U.S. Treasury checks, Department of Agriculture food coupons, and U.S. postage stamps.

The Secret Service combats counterfeiting by working closely with Federal, State and local law enforcement agencies, as well as foreign law enforcement agencies, to aggressively pursue counterfeiters. Secret Service agents commonly work with Federal prosecutors—employees of the Department of Justice, over which the Judiciary Committee retains jurisdiction.

It is important for Congress to keep up with the times when determining the scope of Title 18. Since 1984, the Secret Service's investigative responsibilities under Title 18 have expanded to include crimes that involve financial institution fraud, computer and telecommunications fraud, false identification documents, access device fraud, advance fee fraud, electronic funds transfers, and money laundering.

People who counterfeit things are creative, and so are those who invent new products that are susceptible to being counterfeited. It is important that Title 18 provide the Secret Service with appropriately updated authority, and therefore it is crucial that the Judiciary Committee have the ability to require the Secret Service to report on its use of authority.

Listen to some of the types of criminal investigations that the Financial Crimes Division of the Secret Service plans and coordinates:

Financial Systems Crimes, including bank fraud; access device fraud; telemarketing; telecommunications fraud; computer fraud; the Federal Deposit Insurance Corporation and Farm Credit Administration violations.

These are all traditional criminal investigations and they are all governed by Title 18. They are at the core of Judiciary Committee jurisdiction and expertise.

Another division of the Secret Service, Forensic Services Division, FSD, is almost entirely focused on providing analysis for questioned documents, fingerprints, false identification, credit cards, and other related forensic science areas. A main purpose of this division is to investigate crimes and provide evidence for prosecutors to use in court. FSD also manages the Secret Service's polygraph program and coordinates photographic, graphic, video, and audio enhancement.

Here's an example of how the Judiciary Committee's relationship with the Secret Service works: As part of the 1994 Crime Bill, Congress mandated the Secret Service to provide forensic/technical assistance in matters involving missing and sexually exploited children. The Forensic Service Division offers this assistance to Federal, State, and local law enforcement agencies, the Morgan P. Hardiman Task Force and the National Center for Missing and Exploited Children. It is important for the Judiciary Committee to continue its relationship with the Secret Service to make sure that its capabilities are utilized in important areas of law enforcement such as these.

For these reasons, I urge my colleagues to vote for keeping the jurisdiction where it belongs, with the people who have to deal with these criminal laws all the time. Frankly, it is a tough process. We should not move the Secret Service out of the Judiciary Committee jurisdiction because that is where this very tough anticrime approach has to occur and has to take place.

I hope my colleagues will listen to me. I have no axes to grind here. I am not just trying to preserve jurisdiction; it doesn't make sense to take it out of the hands of the Judiciary Committee as much as some think it may. I don't think it can make a good case that it should be taken out of the Judiciary Committee.

I ask unanimous consent to have printed in the RECORD what looks like 50 or more jurisdictional aspects of the Secret Service investigational approaches.

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

TITLE 18 USC 3056

Secret Service has jurisdiction to investigate the following:

—213—Acceptance of loan or gratuity by financial institution examiner

—216—Punishments for 213

—471—Counterfeiting US obligations

—472—Uttering Counterfeiting securities

—473—Dealing in Counterfeiting obligations or securities

—474—Possession of device to counterfeit obligations

—476—Theft of tools used to counterfeiting obligations

—477—Selling of tools for counterfeiting obligations

—478—Counterfeiting of foreign obligations

—479—Uttering Counterfeit foreign obligations

—480—Possessing counterfeit foreign obligations

—481—Possession of electronic images for counterfeiting foreign obligations

—482—Forgery or Counterfeiting Bank Notes

—483—Uttering counterfeit foreign bank notes

—484—Fraudulently combining multiple United States Instruments

—485—Counterfeiting United States coins

—486—Unauthorized passing of United States coins

—487—Making or possessing counterfeit dies for coins

—488—Making or possessing counterfeit dies for foreign coins

—489—Making or possessing likeness of United States or foreign coins

—492—Forfeiture of counterfeit paraphernalia

—493—Bonds and obligations of certain lending agencies

—508—Forging United States Transportation Documents

—509—Unlawful Possession of Government transportation plates

—510—Forging Treasury Check endorsements

—657—Misapplication of funds from a Credit Institution

—709—False advertising or misuse of names of indicate Federal agency

—871—Threats against the President
—879—Threats against former Presidents
—912—Impersonation of Officer of the United States
—981—Civil forfeitures
—982—Criminal forfeitures
—1001—False statements
—1006—False statements to credit entries
—1007—Forged/Counterfeit statements to influence the FDIC
—1011—False statements to Federal Land Bank
—1013—Use of forged securities or bonds to defraud Federal Land Bank
—1014—False Statement to influence Farm Credit Administration
—1028—Identity Theft
—1029—credit card fraud
—1030—Computer fraud
—1344—Bank Fraud
—1752—Entering the temporary offices of the President
—1907—Disclosure of private information by a farm credit examiner
—1909—Conflicts of interest for National Bank Examiner
—1956—Money Laundering
—1957—Engaging in Monetary Transactions from specified Unlawful Activities

Mr. HATCH. When you look at these, you cannot conclude anything but this should stick with the Judiciary Committee. I don't have any ax to grind. Everyone knows that. The fact is, this is the right thing to do or I would not be standing here trying to do it. We have had a great relationship with the Secret Service and have done a great deal of work together over my 28 years on the Senate Judiciary Committee. I know this is right, and we have to do this.

I yield the floor.

Mr. LEAHY. Mr. President, I totally agree with the Senior Senator from Utah in this battle. Senator HATCH and I have worked very closely on this issue. This is an amendment cosponsored principally by Senator HATCH and myself and Senators SESSIONS, SPECTER, and BIDEN. It is not a partisan amendment by any means. It is not ideological. It just makes good sense.

In the resolution before the Senate we look at the new committee, the homeland committee and governmental affairs committee, but we have four exceptions for good reasons. Section 101, we take the Coast Guard out of that. We take the Transportation Security Administration, we take the Federal law enforcement training sector, and we take the revenue functions of the Customs Service. But we have to make one other exception, and that exception is the U.S. Secret Service.

The Secret Service operates under Title 18 of the United States Code, that title of the United States Code of criminal law. Every one of these yellow tabs in the criminal code is one more area under criminal law, criminal code, where the Secret Service operates. The distinguished Senator from Utah said it is not just the protection service by any means, even though that is what we see in the news. They enforce many of the criminal laws, many of the laws related to the counterfeiting of U.S. currency and other financial instruments. They carry out criminal investigations. Criminal law enforcement function is the cornerstone of what the Secret Service does.

I first got involved with the Secret Service when I was a State's attorney of Chittenden County in Vermont. That was over 38 years ago. We had a counterfeiting case we were prosecuting under State law. For the expertise, for help in the investigation, we called in the Secret Service. The Secret Service was involved immediately. Even though it was a State case, a State prosecutor, the Vermont State police, the Burlington City Police, the expertise came at a moment's notice from the U.S. Secret Service. They stayed throughout that case. They made sure we had the expertise. They made sure they gave us all their knowledge of how one of these cases would be tried. Incidentally, we won that case.

Years later, when I was a new Member of the Senate, I was walking down the hall and I see the Secretary of State coming down the hall, people from the State Department, and also a couple of Secret Service agents. There was the Secret Service agent, David Lee—I remember his name—standing right there doing the dual things they do. His primary role had been in counterfeiting cases. We talked briefly about the number of counterfeiting cases he went to. I told him how much it meant to my little State of Vermont, which could not handle counterfeiting cases. A lot of crimes had been committed, and the Secret Service came in.

Now, they enforce criminal law. They have full Federal arrest authority, full authority to carry any needed firearms, full authority to use deadly force. We should continue our oversight, and the Judiciary Committee should continue its role. Their dual criminal law enforcement of financial institution investigations and protective operations is inseparable from the proper jurisdictional oversight of the Judiciary Committee. Again, I point to the Federal criminal code rules.

Now, the Coast Guard has been made exempt. It, like the Secret Service, is a distinct entity. Both should be exempted, not just the Coast Guard. The Secret Service has even more reason to be exempt. The success of the Secret Service mission depends on the criminal laws of the United States.

An example of that is that all the criminal fraud law enforcement investigations which the Secret Service handles are within Title 18. Where do they handle it? Within the Department of Justice through the Attorney General and the U.S. Attorney—under, obviously, the jurisdiction of the Judiciary Committee.

I will give another example. The Secret Service is authorized at the request of any State or law enforcement agency or at the request of the National Center for Missing and Exploited Children to provide forensic and investigative assistance in support of investigations involving missing or exploited children.

Let me tell you right now, if you have a missing child, we want everybody involved. All the local authorities will tell you that, especially if they are anywhere near a State line. They want everybody. Again, it comes under our committee.

So I agree, as I said, with the Senator from Utah. This is not a partisan issue. It is not a liberal issue. It is not a conservative issue. It is just good, plain sense.

Mr. President, I would hope my colleagues would be willing to accept the amendment on behalf of myself, Mr. HATCH, Mr. SESSIONS, Mr. SPECTER, Mr. BIDEN, and others.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise, with a lot of respect for the Senator from Utah and the Senator from Vermont, to oppose this amendment. I do so because it continues the stripping away of jurisdiction from the newly designated committee on homeland security over more and more of what constitutes the Homeland Security Department.

The recommendation of the 9/11 Commission to improve congressional oversight of homeland security and to allow the leadership of the Homeland Security Department to spend more time protecting our homeland and less time running from committee to committee here in Congress was to create one committee on homeland security with jurisdiction over all aspects of the Homeland Security Department.

The Homeland Security Department includes 175,807 employees. Now, employees are not the only measure of jurisdiction, but let's start with that number and then say that the bill brought before us by the working group immediately took out 45,000 from the Coast Guard, now under the Homeland Security Department, and 51,000 from the Transportation Security Administration. Add to that an amendment offered by my friends from the Judiciary Committee today which took back a good part of Citizenship and Immigration Services, Immigration and Customs Service Enforcement, which will be shared in some part with Homeland Security and Customs & Border Protection, and you are at a point where jurisdiction over well over half—heading toward almost all—of the Department of Homeland Security employees is no longer under the committee we are establishing to oversee the Department of Homeland Security.

I will repeat what I said earlier about the Transportation Security Agency authority. Our committee recommended the creation of a Department of Homeland Security after September 11. Why are we here? We are here because we were attacked on September 11, and we looked back and said: We were not ready. We were not organized to defend our people. So we proposed the creation of the Homeland Security Department.

Almost every agency we wanted to bring together in that Department protested: We want to be on our own turf. We want our own ground. But we pushed forward because there was a larger national interest. We prevailed, and we brought all these agencies together—one department. And it is working. We brought them together for the synergy of them working together to protect our national security in an age of terrorists who hate us more than they love their own lives and have shown that over and over again.

So here comes another amendment to take the Secret Service, which is in the Department of Homeland Security, away from the oversight and jurisdiction of what we are calling the Homeland Security Department. We are beginning to make the homeland security committee look like a house without rooms in it or not as many rooms as are supposed to be there, or like a shell, when you pick it up and there is not much under it even though it says ''homeland security'' on the top. That is a shell game, and this adds only to that trend.

Now, look, there are a lot of committees that could claim some relationship to different subparts of the Department of Homeland Security.

Mr. LEAHY. Will the Senator yield on that point?

The fact is, they are a distinct entity within homeland security. We have carved out that distinct entity for the Secret Service because of their law enforcement role. The distinguished Senator from Connecticut had no problem with carving out the Coast Guard, and the Coast Guard——

Mr. LIEBERMAN. There is a problem.

Mr. LEAHY. But it has been done. It has been accepted.

Mr. LIEBERMAN. Not done by me.

Mr. LEAHY. It was not objected to by you, and it was accepted.

Mr. LIEBERMAN. It was indeed, and we are still working on an amendment to try to see if we can right that wrong. I say to the Senator from Vermont, with all respect, I understand your question. The point is, if we were doing this right, everything in the Homeland Security Department would be overseen by the homeland security committee. That is what the 9/11 Commission called for.

Mr. LEAHY. If I might respond to that, if we were doing this right, we would not have brought out something put together behind closed doors. I am not accusing the Senator from Connecticut of doing that, but we suddenly have this thing plopped on our desks as people are leaving for the long-promised recess, and we are told: Here, we just have to put this all together right now. It is not the way to do it. We have not had hearings. We have not done anything like that. I think had we had those hearings, had we discussed it, you would have found a vast majority of Americans would assume the Secret Service carries out their law enforcement functions.

Mr. LIEBERMAN. Mr. President, if I may, here is the basic point. The Secret Service is now part of homeland security. The Homeland Security Department should be overseen by the homeland security committee. I was not behind those closed doors, if they existed. My understanding is the working group leadership spoke to the ranking members on each of the committees. I may be wrong. I did not do that. That is what I heard.

But let me explain. The Senator from Vermont and the Senator from Utah have cited context between the Judiciary Committee and the Secret Service. As I say, there are so many committees that can cite context in one way or another with different components of the Homeland Security Department. But let me tell you why the Secret Service was put into the Homeland Security Department.

Obviously, the Secret Service is best known for its mission in protecting the Nation's highest elected leaders as well as visiting heads of state. It is entirely appropriate that the department responsible for safeguarding the security of this Nation includes an agency which is responsible for protecting its top leaders who, tragically, in this age may be targets of terrorism.

Since 1998, when President Clinton issued Presidential Decision Directive 62, the Secret Service has assumed responsibility for planning, coordinating, and implementing security operations at all national special security events. And what is the great fear at such events? Terrorism. These national events, like the Olympics or the political party conventions, are important to our country and, unfortunately, enticing targets to terrorists if they are not defended. It is the Secret Service that is responsible for planning, coordinating, and implementing those security operations—another obvious reason why it should be in the Homeland Security Department.

What has being there allowed the Secret Service to do? To draw on the expertise and resources of the different agencies within the Department of Homeland Security to support the Secret Service's protective missions as well, of course, as to share the Service's own expertise and experience with the other agencies in the Department to help them do their job better.

Some of the unique responsibilities of the Secret Service are particularly relevant to terrorism. The Secret Service has responsibility for identity theft in various forms and methods. This is one of the terrorists' primary tools, assuming identities not their own to break through the defenses our country sets up. The ability to identify and prevent the proliferation of false identifications is critically important to the Department's mission of identifying terrorists and stopping them before they strike us, and that is the Secret Service's responsibility.

The Secret Service also has responsibility for the protection of important national buildings, including the White House, the Vice President's residence, foreign missions, and other important buildings in the Nation's Capital which, tragically, sadly, in our age, are also prime targets for terrorists. Those are the reasons why the Secret Service has been placed in the Department of Homeland Security.

But again, I come back to the main point. Are we going to do what we say we are going to do or are we going to false advertise? We say we are going to respond to the 9/11 Commission's recommendations for a committee on homeland security. I have said before and I will say it again, the Governmental Affairs Committee has had some experience in homeland security so we are a natural place to put it. But I haven't sought it.

What I seek is the willingness to reorganize ourselves to the same extent that we have been willing to reorganize the executive branch, by creating the Department of Homeland Security and now a national intelligence director. With all respect to my friends on Judiciary, this is just another step to stopping us from achieving that mission, from meeting the challenge that the 9/11 Commission has set before us—and the request of the families of 9/11—to organize ourselves in a way that we can perform the kind of oversight that will mean we are doing everything humanly possible to prevent anything such as September 11 from happening again.

I hope we will draw the line on what is sucking out the insides of what we are calling a committee on homeland security.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the issue before us is really very straightforward. Do we want to reorganize the Senate to consolidate jurisdiction over the Department of Homeland Security within one committee or don't we? What we should not do is to pretend we are consolidating jurisdiction in one committee, as recommended by the 9/11 Commission, and as strongly endorsed by the administration and Secretary Ridge. If we are going to consolidate authority, then let's do it. If we are going to try to address the problem of 25 different Senate committees and subcommittees having a claim on the new Department, requiring testimony from officials in the Department, if we want to continue on that route, then let us not pretend we are undergoing significant reform.

Moreover, the Secret Service has responsibilities ranging from investigations of Presidential threats to protection at major events that go to the heart of the Department of Homeland Security's mission. The Secret Service is a vital part of the mission of securing the homeland. That is why it was moved into the Department of Homeland Security, and that is why if we are going to mirror the Department, it

should be under the jurisdiction of whatever committee is given responsibility for homeland security.

There are functions of the Secret Service that clearly fit with the core mission of the Department of Homeland Security. Indeed, at a hearing shortly before passage of the legislation setting up the new Department of Homeland Security, the Director of the Secret Service testified, explaining why it was important to include the Secret Service in the new Department. He stated:

> Our core philosophy mirrors that of the new Department of Homeland Security. Like our agency, the new department will be prepared to respond to incidents and infiltration. Our common goal is to anticipate and prepare through robust threat assessments and analyses of intelligence information that is made available to us.

He also stated:

> Beyond our protective responsibilities, the Secret Service is a major contributor to other aspects of our homeland security.

He concluded his testimony by stating:

> It is clear the Department of Homeland Security will be built on the pillars of prevention and protection. These are the very words found throughout our strategic plan. They define the mission and the culture of the United States Secret Service.

I know that the Secret Service enforces certain criminal laws, and it has a good relationship with the Judiciary Committee. However, the fact is, it is part of the Department of Homeland Security. If we are going to have a committee responsible for the Department of Homeland Security, we should do that. We should not exclude key agencies. Otherwise, we are defeating the whole purpose of creating new jurisdiction and trying to consolidate oversight and responsibility for the Department of Homeland Security.

I yield the floor.

Mr. LEAHY. I wonder if the distinguished Senator from Maine would yield for a question?

Ms. COLLINS. I have yielded the floor.

Mr. LEAHY. I ask the distinguished Senator from Maine, we have the Secret Service in Homeland Security, but carved out is a separate entity, partly because of their criminal jurisdiction and the fact that their oversight is in the Judiciary Committee. I would ask if by the same logic that because they are there, they must suddenly come under this new committee, do we also bring the Attorney General's office under this new committee for oversight because they prosecute the cases brought by the Secret Service? Do we bring the U.S. attorneys? Maybe the Attorney General and the U.S. attorney should be brought into this new homeland security committee for confirmation, for oversight, or budget and everything else because, after all, they have criminal jurisdiction and the Secret Service goes to them.

Or do we have a bifurcated thing where the Secret Service criminal jurisdiction, which does come under the Department of Justice and the U.S. attorneys for prosecution, suddenly say: Well, we can watch what they are doing in the Judiciary Committee, but maybe we shouldn't be watching because maybe it should be somewhere else where there is none of the 56 years of experience watching over it?

It seems to me what we are doing is trying to set up an organizational chart for the sake of organizational charts. I might say, maybe this is one of the problems with putting this thing together behind closed doors, without the input of the people most directly involved, without any hearings. And suddenly as the airplanes are revving up and the smell of jet fuel is in the air, we are saying: Quick, we have to do it, forget the 56 years, forget what has worked. Forget the fact that it is working. Forget the fact that it works extremely well. Forget all those criminal cases that they handle. We have an idea to fill out some new chart and, therefore, go forward with it. Forget the proud tradition of the Secret Service. Forget all the experience, all the things they have done. Forget the prosecutors they have to go to. But, by golly, we are going to have a nice new chart.

There is more I could say but I shan't. I think maybe we ought to vote and see where we stand.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from Vermont raised a rhetorical question, or at least I think it was a rhetorical question. He said, Should we put the Office of the Attorney General under the jurisdiction of the Governmental Affairs Committee? Of course, the answer to that is obviously no, because the Office of the Attorney General is not part of the Department of Homeland Security.

The issue before us is really straightforward and simple. Do we want to follow the recommendations of the 9/11 Commission and Secretary Ridge and the rest of the administration and have a single authorizing committee in the House and the Senate with responsibility for the Department of Homeland Security, not responsibility for 38 percent of the Department of Homeland Security, not responsibility for 8 percent of the employees of the Department of Homeland Security? No, there isn't a recommendation to have agencies that are not part of the Department added to the jurisdiction.

The idea is to have a single authorizing committee in the House and the Senate to mirror the agencies that are in the Department of Homeland Security, to consolidate jurisdiction between the House and Senate, which is spread over 88 committees and subcommittees; so that the officials of the Department don't have to answer to so many congressional overseers that they are prevented from devoting as much attention as they need to to do their duties. That is what this debate is about.

Mr. LEAHY. Mr. President, the Senator from Maine, in asking the question actually gives my answer, because if the issue is simply where are they sitting, that determines jurisdiction. The Secret Service, for years and years, would have been under the jurisdiction of the Finance Committee because they are in the Treasury Department. They have been in the Treasury Department forever. But the jurisdiction has been under the Judiciary Committee because of their unique law enforcement aspects.

Now, the Senator from Maine says, quite properly, we should not put the Attorney General under this committee, even though these various groups, various entities for criminal prosecution have to go to the U.S. attorney but because the Attorney General is under the Department of Homeland Security.

By the same token, when the Secret Service was in Treasury, everybody knew, because of the criminal jurisdiction and involvement, they would be under the jurisdiction of a committee that deals all the time with criminal law, with the courts, and with title 18. This is title 18 in my hand, the Federal Criminal Code and Rules. Taking up the whole middle part of this is Secret Service jurisdiction.

Do we want to make them better? Do we want proper oversight? Do we want to say, by golly, look at this, we came out with this closed door item and put it out here and immediately the Senate has saved the world—no hearings, nothing? Here it is.

I am far more interested in having the Secret Service be the best it can be. I am far more interested in making sure we are giving them the proper criminal codes they need. I am far more interested in making sure, when they are investigating crime, they can do their best.

I think what Senator HATCH and I are trying to save the Senate from doing is making a very serious mistake with the Secret Service, just to fill out an organizational chart.

I see the distinguished senior Senator from Utah in the Chamber. I will yield in a moment.

But I point out, in talking about the number of places Secretary Ridge may have to appear, he has only come to the Judiciary Committee once in each of the last 2 years. It is not like he is coming often.

But the point is, the Secret Service has 56 years of experience of making sure it works right. We are going to throw that overboard because we got this brand-new color-coded organizational chart for the Senate. My goodness, ladies and gentlemen, you can rest easy tonight, there will be no more terrorism because the Senate has a new organizational chart. Whoop-de-do.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I don't think there is anybody on this floor who respects the chairlady of the appropriate committee and the ranking

member more than I do. I think the world of both of them. I think they deserve a commendation for what they have done. I just cannot pay enough tribute to them. I know they are sincere.

I want everybody here to know that I don't have an ax to grind. I have a reputation for trying to do what is right. I am very sincere about this. It is not a question of trying to retain jurisdiction for retention's sake. This is really important. I believe we should have a committee on homeland security. I believe it should have jurisdiction over much of the area that applies to terrorism. But I also sincerely believe—and I think the case is overwhelming—that most of what the Secret Service does is pursuant to the Criminal Code.

The Judiciary Committee is specifically and especially geared to handle oversight of those problems. You don't have to completely develop a whole new system of oversight. It has worked marvelously well for 56 years.

At the end of the day, the Secret Service is a criminal investigative agency. Sure, they may have some peripheral and even very important interests in terrorism, but their interests go way beyond that. Almost everything they do comes because of what the Criminal Code tells them to do.

The Secret Service's criminal authority is much broader than homeland security and counterterrorism. Let me review some of the longstanding criminal laws. I will just review some of them. These are criminal statutes and they are important, and the Secret Service works pursuant to these statutes.

It has jurisdiction to investigate acceptance of loan or gratuity by financial institution examiners; punishment for section 213, the prior section I mentioned; section 471, counterfeiting U.S. obligations; section 472, uttering counterfeit securities; section 473, dealing in counterfeiting obligations of securities; section 474, possession of device to counterfeit obligations; section 476, theft of tools used in counterfeiting obligations; section 477, selling of tools for counterfeiting obligations; section 478, counterfeiting of foreign obligations; section 479, uttering counterfeit foreign obligations; section 480, possessing counterfeit foreign obligations. This is all pursuant to title 18 USC. Section 481, possession of electronic images for counterfeiting foreign obligations; section 482, forgery or counterfeiting bank notes; section 483, uttering counterfeit foreign bank notes; section 484, fraudulently combining multiple U.S. instruments; section 485, counterfeiting U.S. coins; section 486, unauthorized passing of U.S. coins; section 487, making or possessing counterfeit dyes for coins; section 488, making or possessing counterfeit dyes for foreign coins; section 489, making or possessing a likeness of U.S. or foreign coins.

I will not read the rest. But it goes right down the Criminal Code where they spend almost all their time. If you ask virtually anybody in the Secret Service, they believe the jurisdiction ought to be kept with the Judiciary Committee.

I do not think there is any question. I know the head of the Secret Service does. There is no question they have overlapping jurisdiction in some areas where they can help with terrorism, but that is a modest amount of what they do.

Most all of what they do involves technical Criminal Code laws, and that is judiciary, and the Judiciary Committee is especially equipped to handle those type of activities.

The Judiciary Committee has a long history of balancing civil liberties with law enforcement obligations. The Secret Service carries out a host of law enforcement activities.

Let's face it, the Judiciary Committee is uniquely qualified and uniquely structured to vigorously oversee and monitor this balance. My office received a letter from organizations from the ACLU to the American Conservative Union expressing civil liberties concerns with this reorganization.

Look, I understand my two colleagues and their desire to try to bring everything together, but if you use this as an excuse to do that—in fact, one agency or another might have something to do with terrorism, but that is not its major obligation—my gosh, you might as well take over the whole Government.

I think this works well. If it ''ain't'' broke, why are we trying to fix it? I believe very sincerely that my two esteemed colleagues, as much as I love and respect them, are wrong on this. I can live with anything the Senate decides to do, but I think it would be tragic if the Secret Service is moved over to this Department and this committee that is not particularly the committee that should have jurisdiction over it and over the work that the Secret Service does.

I do not want to keep the Senate any longer. All I can say is, I would feel badly if this amendment is not agreed to by the Senate. It should be agreed to by the Senate. I am prepared to vote on it.

Mr. LEAHY. Mr. President, earlier we discussed Judiciary Committee jurisdiction.

I ask unanimous consent that this letter be printed in the RECORD.

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

OCTOBER 7, 2004

Hon. BILL FRIST,
Capitol Building,
Washington, DC.
Hon. TOM DASCHLE,
Capitol Building,
Washington, DC.
Hon. MITCH MCCONNELL,
Capitol Building,
Washington, DC.
Hon. HARRY REID,
Capitol Building,
Washington, DC.

DEAR SENATORS: We write to raise serious concerns about a provision of S. Res. 445, the McConnell-Reid Senate Intelligence and Homeland Security Oversight Reform Proposal, that would create a new Homeland Security and Governmental Affairs Committee.

While we commend the Senate for taking strong actions to revamp congressional oversight of the Executive Branch's intelligence and homeland security functions, we strongly oppose any action to remove from the Judiciary Committee its jurisdiction over criminal law, law enforcement, domestic intelligence activities, domestic surveillance authorities, the Federal Bureau of Investigation, the Department of Justice, and investigative guidelines issued by the Attorney General. As organizations with longstanding expertise and experience in these areas, we believe it is essential at this critical time in our Nation's history that the Judiciary Committee retain its jurisdiction over these issues and ensure continuity of congressional oversight. Its members and staff have developed years of experience in these complex legal issues, which have serious implications not only for safety and security but also for civil liberties and civil rights. In particular, the Judiciary Committee's deep substantive expertise and historical role in civil liberties issues is increasingly important as government powers expand to fight terrorism.

We urge you to clarify that jurisdiction over these law enforcement and domestic intelligence issues, including oversight of the FBI and Justice Department, remain with the Senate Judiciary Committee.

Sincerely,

American Booksellers Foundation for Free Expression.
American Civil Liberties Union.
American Conservative Union.
American Immigration Lawyers Association.
American Library Association.
Bill of Rights Defense Committee.
Center for American Progress.
Center for Democracy and Technology.
Center for National Security Studies.
Citizens for Health.
Cyber Privacy Project.
Free Congress Foundation.
Friends Committee on National Legislation (Quaker).
Human Rights Watch.
National Association of Criminal Defense Lawyers.
National Coalition of Mental Health Professionals and Consumers, Inc.
Peoople for the American Way.
Private Citizen, Inc.
The Rutherford Institute.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, let me sum up. This amendment poses the question, Are we really going to do what the 9/11 Commission asked us to do, which is to create a committee to oversee the Department of Homeland Security? That is what it is all about.

We reorganized the Federal Government executive branch to better protect our homeland security. The Commission says we have to reorganize our

oversight to be able to protect our homeland security. That is what the proposal of the Commission is all about.

We are getting to a point, as we begin to take all these pieces out, where it is a sham, as I have said before. What we are calling a homeland security committee is not really. It is as if you had a cat, and you put a little necklace around its neck with a sign that said, ''I am a horse,'' and expected people to think the cat was a horse.

We are at a point now where we are calling this committee the homeland security committee, and it is not.

Let me go to the numbers in closing. There are 175,000 employees in the Department. The McConnell-Reid proposal takes out the Coast Guard and TSA. That is 97,000 of those 175,000 employees gone. Earlier today, my friends from the Judiciary Committee took back Immigration, Customs enforcement, Customs, and border protection, another almost 19,000 employees gone from what is supposed to be the oversight committee of homeland security.

It was said earlier that what is left is a lot in our committee—three of the four directorates. OK, I know the number of employees does not say everything, but it does say a lot. Three directorates left in the oversight responsibility of the committee we are calling the homeland security committee, three directorates from DHS: emergency preparedness, 4,800 employees; intelligence analysis and infrastructure protection, 700 employees; science and technology, about 200 employees. We have about 5,700 employees left in the three directorates that come under the new committee on homeland security from the Homeland Security Department. That is 5,700 out of a total of 175,000 in the Department.

Let me give this stunning statistic, Mr. President. Are you ready? The Secret Service itself has 6,381 employees. That is about 500 more employees than in the three directorates that are left clearly within the jurisdiction of the committee being called the homeland security committee.

As I have said, if you want to give the responsibility for oversight of homeland security to another committee, do it. If you want to create a new committee on homeland security, do it. But if you are going to call it a committee on homeland security, then give it jurisdiction over homeland security.

A lot of the reality of the promise has already been taken away. I hope my colleagues will draw a line here and say that the Secret Service, which is part of the Department of Homeland Security for very good reasons that I enumerated earlier, should remain under the jurisdiction for oversight of what we will call the Department of Homeland Security.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, have the yeas and nays been ordered on the Hatch amendment?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4037. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS 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 54, nays 41, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—54

Allard	Crapo	Leahy
Allen	DeWine	Lott
Baucus	Dodd	Mikulski
Bennett	Dorgan	Miller
Biden	Durbin	Murkowski
Bingaman	Feingold	Reed
Boxer	Feinstein	Roberts
Brownback	Grassley	Sarbanes
Bunning	Hagel	Schumer
Byrd	Harkin	Sessions
Campbell	Hatch	Shelby
Cantwell	Hutchison	Smith
Clinton	Inouye	Specter
Cochran	Jeffords	Stabenow
Conrad	Johnson	Stevens
Cornyn	Kennedy	Thomas
Corzine	Kohl	Warner
Craig	Kyl	Wyden

NAYS—41

Akaka	Enzi	McConnell
Alexander	Fitzgerald	Murray
Bayh	Frist	Nelson (FL)
Bond	Graham (FL)	Nelson (NE)
Breaux	Graham (SC)	Nickles
Burns	Hollings	Pryor
Carper	Inhofe	Reid
Chafee	Landrieu	Rockefeller
Coleman	Lautenberg	Santorum
Collins	Levin	Snowe
Daschle	Lieberman	Sununu
Dayton	Lincoln	Talent
Dole	Lugar	Voinovich
Ensign	McCain	

NOT VOTING—5

Chambliss	Edwards	Kerry
Domenici	Gregg	

The amendment (No. 4037) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. TALENT). 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.

Mr. MCCONNELL. Mr. President, Senator ROBERTS has a couple of amendments that he believes have been cleared with everyone interested in them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Thank you, Mr. President. The two leaders have indicated they want to press forward on this resolution tonight. We still have a number of amendments. They are completing in the House, as we speak, the FSC conference report, the conference dealing with the drought aid and the hurricane assistance, and we have to deal with those in the next few days, so we need to finish this bill tonight if at all possible. The two leaders have instructed their two loyal assistants to move forward on this resolution, and that is what we are going to do. So everyone who has amendments should bring them forward. If there is a time when no one is offering amendments, we will move to third reading on the bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I have two amendments to offer. I wish to offer them in sequence, taking 2 minutes at most for each one. I propose to only give a very brief description of each amendment.

AMENDMENT NO. 4019 TO AMENDMENT NO. 3981

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4019.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 4019 to amendment No. 3981.

Mr. ROBERTS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify staff provisions)

In section 201, strike subsection (g) insert the following:

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

''SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

''(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated

representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

''(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.''.

Mr. ROBERTS. Mr. President, this amendment simply clarifies language in the McConnell-Reid amendment regarding the staffing of the Intelligence Committee.

The amendment ensures that the professional staff of the Intelligence Committee and the personal staff now designated by Members to serve on the committee will be provided similar access to committee resources and information as determined by the chairman and vice chairman.

I urge my colleagues to support this amendment. I thank Senator KYL for his assistance. It provides modest but important clarity to the proposals of Senator MCCONNELL and Senator REID.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment (No. 4019) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4018 TO AMENDMENT NO. 3981

Mr. ROBERTS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4018.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 4018 to amendment No. 3981.

Mr. ROBERTS. Mr. President, I thank the clerk and ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the nominee referral provisions)

In section 201, strike subsection (h) and insert the following:

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

''SEC. 17. (a) The select Committee shall have final responsibility for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

''(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.''.

AMENDMENT NO. 4018, AS MODIFIED

Mr. ROBERTS. Mr. President, this amendment makes explicit what is already implicit in the McConnell-Reid substitute amendment; namely, that the Intelligence Committee will have explicit jurisdiction for the consideration and reporting of nominees for civilian intelligence community positions.

I urge my colleagues to support the amendment and hope the managers will agree to incorporate the modification.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

In section 201, strike subsection (h) and insert the following:

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

''SEC. 17. (a) The select Committee shall have jurisdiction reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

''(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.''.

The PRESIDING OFFICER. The question is on agreeing to the pending amendment, as modified.

The amendment (No. 4018), as modified, was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I also understand that we are close to an agreement between the interested parties on the Intelligence Committee and the Armed Services Committee on the important sequential referral issue that has been under discussion all day long with the principals of those two committees. We are hoping to be able to deal with that amendment shortly.

If anyone else has an amendment they want to offer, now is the time. The majority leader and the minority leader have indicated we are going to press into the evening and finish this proposal. If you have an amendment, we urge you to come over and offer it.

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. 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.

Mr. MCCONNELL. Mr. President, I am told by Senator ROCKEFELLER that the sequential referral issue that has been under discussion all day has now been worked out, and he is prepared to offer it.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 4030, AS MODIFIED, TO AMENDMENT NO. 3981

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 4030 at the desk and send a modification to the desk and ask that it be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendment is set aside. The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4030, as modified, to amendment No. 3981.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To clarify the jurisdiction of the select Committee on Intelligence)

At the end of section 201, insert the following:

(i) JURISDICTION.—Section 3(b) of S. Res. 400 is amended to read as follows:

''(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

''(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional five days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional five day period, if the Committee fails to report the proposed legislation within that five day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

''(3) In computing any 10 or 5-day period under this subsection there shall be excluded from such computation any days on which the Senate is not the session.

''(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.''.

Mr. ROCKEFELLER. Mr. President, strengthening the two congressional Intelligence Committees was a fundamental part of the 9/11 Commission recommendations for improving congressional oversight. This is more of that. They made many recommendations, most of which were included in whole or in part in our resolution.

One area where the Commission did not make a specific recommendation but which is very important was the question of shared jurisdiction between the Intelligence Committee and other committees, specifically the Armed Services Committee. Under the current structure, other committees have the automatic right to receive sequential referral of any legislation reported by the Intelligence Committee if it touches on their jurisdiction. And the Intelligence Committee enjoys a reciprocal right of referral. In practice, this authority has been exercised hardly at all—very rarely, infrequently—at least by the Intelligence Committee, but it has become a bit of an annual routine for the Armed Services Committee to seek sequential referral of the intelligence authorization bill. This practice is based upon legitimate interests on the part of the Armed Services Committee. But the system has worked to the detriment of the Intelligence Committee and effective oversight. I will try to explain why.

Every year the intelligence authorization bill is referred to the Armed Services Committee for a period of not more than 30 days of legislative session. The Armed Services Committee almost always holds the bill for a full 30 days which can, in fact, work out to 2 calendar months, when you really carry that math out. This allows them to review the bill, which is important and proper, but it puts the Intelligence Committee far behind in the annual legislative process. By which I mean by the time the bill is reported, after a sequential referral by the Armed Services Committee, acted on by the Senate, and negotiated with the House, the annual appropriations bill often is already enacted into law.

For example, this year our authorization bill has not been dealt with. The appropriations bill has been passed in the Senate. This is an awkward way to do business. So we too often have been unable to provide the appropriators with the benefit of the work of the intelligence oversight committees. Timely passage of the intelligence authorization bill would become even more critical with the creation of a new appropriations subcommittee on intelligence.

In order for this new system to work, the Intelligence Committee has to be integral to the whole process. That is the whole point. We have to make changes in the way the sequential referral authority works. So Senator EVAN BAYH offered an amendment to completely strike the language that provides for automatic sequential referral, and that is certainly one way to approach it. It has some downsides.

The Armed Services Committee and other committees have legitimate interests that need to be protected. Doing away with the provision also would remove the Intelligence Committee's ability to request the referral of legislation reported by other committees when that legislation relates to intelligence matters.

Finally, completely removing the referral authority would have the inevitable result—and this is sort of the soul of this institution—of alienating the Intelligence and Armed Services Committees. This is something we cannot afford and must not do. The committees have to work together constantly on a wide range of issues.

To achieve what Senator BAYH and myself and others want, all of us seeking more effective intelligence oversight, we have worked out a compromise, I am very happy to report. The amendment I have offered significantly reduces the amount of time that another committee has available to review legislation reported by the Intelligence Committee and vice versa. That time goes from 30 days of legislative session down to 10.

But hold on. The amendment also makes clear that the clock does not begin until the committee receiving our bill has all the relevant classified annexes available for review which could be thousands of pages.

According to our compromise, an additional 5 days of sequential referral can be added if requested by the majority or the minority leaders. That struck people as wise and useful. So when there is a legitimate need to have more scrutiny by the Armed Services Committee, they would make that request, and it would, of course, be granted.

This is made easier under the new structure because the chairman and the ranking member of the Armed Services Committee are now ex officio members of the new Intelligence Committee. We welcome their participation. I don't think it will do anything but strengthen our committee more. In fact, I think we will end up with five members of the Armed Services Committee on our Intelligence Committee, and that is good.

So I thank Senator BAYH for bringing this issue to the attention of the Senate. I thank Senators LEVIN and WARNER for their willingness and insistence on finding a middle ground. I really mean I thank them. I thank both the majority and minority leaders who were instrumental in reaching this agreement because we were back and forth all day long.

Finally, I thank, of course, my chairman, Senator ROBERTS, for his help in crafting this compromise. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. The amendment has been modified?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. REID. I have spoken to the comanager of this bill. We have no objection. We appreciate very much the time and effort of so many involved to get us to this point.

I urge that the amendment be accepted.

The PRESIDING OFFICER. Does any Senator seek recognition on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 4030), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have tried to be silent tonight. If anyone wants to come and offer an amendment, I will sit down.

People have made statements asking: What is this committee going to have; you have taken everything from them. I am going to read a few of the most important things they have to do. This committee should not be concerned only with the number of employees. They should be concerned with responsibilities.

The first directorate, the Directorate for Information Analysis and Infrastructure Protection: the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection. In general: There shall be in the Department a Directorate for Information Analysis and Infrastructure Protection.

Responsibilities: The Under Secretary shall assist the Secretary in discharging this responsibility. The Assistant Secretary for Information Analysis is under the control of this committee.

The Assistant Secretary for Information Analysis: There shall be in the Department an Assistant Secretary for Information Analysis who shall be appointed by the President.

The Assistant Secretary for Information Analysis and the Assistant Secretary for Infrastructure Protection shall assist the Under Secretary for Information Analysis and Infrastructure Protection in discharging the responsibilities of the Under Secretary.

The Secretary shall ensure that the responsibilities of the Department regarding information analysis and infrastructure protection are carried out through the Under Secretary for Information Analysis and Infrastructure Protection.

Responsibilities of the Under Secretary: To access, receive, and analyze

law enforcement information, intelligence information, and other information from agencies of the Federal Government, State and local government agencies, including law enforcement agencies, and private sector entities, and to integrate such information in order to—A, identify and assess the nature and scope of terrorist threats to the homeland; B, detect and identify threats of terrorism against the United States; C, understand such threats in light of actual and potential vulnerabilities to the homeland.

That sounds to me like it is more than nothing. This is the policy of our country over which they have jurisdiction.

No. 2, 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, including an assessment of the probability of success of such attacks and the feasibility and potential efficacy of various countermeasures to such attacks.

No. 3, to integrate relevant information, analyses, and vulnerability assessments, whether such information, analyses, or assessments are provided or produced by the Department or others, in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities.

No. 4. To ensure, pursuant to section 202, the timely and efficient access by the Department to all information necessary to discharge the responsibilities under this section, including obtaining such information from other agencies of the Federal Government.

No. 5. To develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the physical and technological assets that support such systems.

No. 6. To recommend measures necessary to protect the key resources and critical infrastructure of the United States in coordination with other agencies of the Federal Government and in cooperation with State and local government agencies and authorities, the private sector, and other entities.

No. 7. To administer the Homeland Security Advisory System, including—

A. exercising primary responsibility for public advisories related to threats to homeland security; and

B. in coordination with other agencies of the Federal Government, providing specific warning information, and advice about appropriate protective measures and countermeasures, to State and local government agencies and authorities, the private sector, other entities, and the public.

No. 8. To review, analyze, and make recommendations for improvements in the policies and procedures governing the sharing of law enforcement information, intelligence information, intelligence-related information, and other information relating to homeland security within the Federal Government and between the Federal Government and State and local government agencies and authorities.

No. 9. To disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal Government with responsibilities relating to homeland security, and to agencies of State and local governments and private sector entities with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States.

No. 10. To consult with the Director of Central Intelligence and other appropriate intelligence, law enforcement, or other elements of the Federal Government to establish collection priorities and strategies for information, including law enforcement-related information, relating to threats of terrorism against the United States through such means as the representation of the Department in discussions regarding requirements and priorities in the collection of such information.

No. 11. To consult with State and local governments and private sector entities to ensure appropriate exchanges of information, including law enforcement-related information, relating to the threats of terrorism against the United States.

No. 12. To ensure that—

A. any material received pursuant to this Act is protected from unauthorized disclosure and handled and used only for the performance of official duties; and

B. any intelligence information under this Act is shared, retained, and disseminated consistent with the authority of the Director of Central Intelligence to protect intelligence sources and methods under the National Security Act of 1947 (50 U.S.C. 401 et seq.) and related procedures and, as appropriate, similar authorities of the Attorney General concerning sensitive law enforcement information.

No. 13. To request additional information from other agencies of the Federal Government, State and local government agencies, and the private sector relating to threats of terrorism in the United States, or relating to other areas of responsibility assigned by the Secretary, including the entry into cooperative agreements through the Secretary to obtain such information.

No. 14. To establish and utilize, in conjunction with the chief information officer of the Department, a secure communications and information technology infrastructure, including data-mining and other advanced analytical tools, in order to access, receive, and analyze data and information in furtherance of the responsibilities under this section, and to disseminate information acquired and analyzed by the Department, as appropriate.

No. 15. To ensure, in conjunction with the chief information officer of the Department, that any information databases and analytical tools developed or utilized by the Department—

A. are compatible with one another and with relevant information databases of other agencies of the Federal Government; and

B. treat information in such databases in a manner that complies with applicable Federal law on privacy.

No. 16. To coordinate training and other support to the elements and personnel of the Department, other agencies of the Federal Government, and State and local governments that provide information to the Department, or are consumers of information provided by the Department, in order to facilitate the identification and sharing of information revealed in their ordinary duties and the optimal utilization of information received from the Department.

No. 17. To coordinate with elements of the intelligence community and with Federal, State, and local law enforcement agencies, and the private sector, as appropriate.

No. 18. To provide intelligence and information analysis and support to other elements of the Department.

No. 19. To perform such other duties relating to such responsibilities as the Secretary may provide.

Mr. President, this is a big-time focus on the administration of this new committee. This is only part of it. For someone to come to the floor and say they have not given us anything, I have read some of the most important aspects of setting the policy of this country as it relates to defeating terrorism. They may not have the right number of employees, but their responsibilities for setting the policy of this country are in that committee. Anyone who thinks not, let them see what we have done. This is only the first directorate. There are others. I have not completed reading what is in this directorate.

Here are the agencies covered: The Department of State, the CIA, the FBI, the National Security Agency, the National Imagery and Mapping Agency, and the Defense Intelligence Agency.

I have only read a few things of the first directorate. If they had nothing else to do during the legislative year than deal with what I have completed reading, it would be a massive undertaking. In addition to that, you see, we have not taken any of the responsibilities away from the Governmental Affairs Committee. They had huge responsibilities before we gave them this. For people to come on this floor and whine and cry about they don't have anything to do, it is not in keeping with what we have done with this committee.

I will go to one other directorate. I have only read a few pages from this directorate. I have read three pages. I have about 15 or 20 more here. I don't feel that I want to spend my time reading that, other than to say they have tremendous responsibilities.

Under the Office of Science and Technology, they have another big job. This is to ''carry out programs that, through the provision of equipment, training, and technical assistance, improve the safety and effectiveness of law enforcement technology and improve access by Federal, State, and local law enforcement agencies.''

That is another huge responsibility they have been given.

In carrying out its mission, the Office shall have the following duties:

No. 1. To provide recommendations and advice to the Attorney General.

No. 2. To establish and maintain advisory groups (which shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.)) to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.

No. 3. To establish and maintain performance standards in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 14–113) for, and

test and evaluate law enforcement technologies that may be used by Federal, State, and local law enforcement agencies.

No. 4. To establish and maintain a program to certify, validate, and mark or otherwise recognize law enforcement technology products that conform to standards established and maintained by the Office in accordance with the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113). The program may, at the discretion of the Office, allow for supplier's declaration of conformity with such standards.

No. 5. To work with other entities within the Department of Justice, other Federal agencies, and the executive office of the President to establish a coordinated Federal approach on issues related to law enforcement technology.

No. 6. To carry out research, development, testing, evaluation, and cost-benefit analyses in fields that would improve the safety, effectiveness, and efficiency of law enforcement technologies used by Federal, State, and local law enforcement agencies, including, but not limited to—

A. weapons capable of preventing use by unauthorized persons, including personalized guns;

B. protective apparel;

C. bullet-resistant and explosion-resistant glass;

D. monitoring systems and alarm systems capable of providing precise location information;

E. wire and wireless interoperable communication technologies;

F. tools and techniques that facilitate investigative and forensic work, including computer forensics;

G. equipment for particular use in counterterrorism, including devices and technologies to disable terrorist devices;

H. guides to assist State and local law enforcement agencies;

I. DNA identification technologies; and

J. tools and techniques that facilitate investigations of computer crime.

No. 7. To administer a program of research, development, testing, and demonstration to improve the interoperability of voice and data public safety communications.

No. 8. To serve on the Technical Support Working Group of the Department of Defense, and on other relevant interagency panels as requested.

No. 9. To develop, and disseminate to State and local law enforcement agencies, technical assistance and training materials for law enforcement personnel, including prosecutors.

No. 10. To operate the regional National Law Enforcement and Corrections Technology Centers and, to the extent necessary, establish additional centers through a competitive process.

No. 11. To administer a program of acquisition, research, development, and dissemination of advanced investigative analysis and forensic tools to assist State and local law enforcement agencies in combating cybercrime.

No. 12. To support research fellowships in support of its mission.

No. 13. To serve as a clearinghouse for information on law enforcement technologies.

No. 14. To represent the United States and State and local law enforcement agencies, as requested, in international activities concerning law enforcement technology.

No. 15. To enter into contracts and cooperative agreements and provide grants, which may require in-kind or cash matches from the recipient, as necessary to carry out its mission.

No. 16. To carry out other duties assigned by the Attorney General to accomplish the mission of the Office.

Mr. President, that is a pretty heavy load. I would say if they think they have more time than this, then they have a lot of time. This is what we believe we have given them, partially. And for anyone to come here and say that these three directorates, plus the fourth—this doesn't give them anything to do, it may not be the number of employees, but there is a large number of employees in the TSA.

They have so much. Committees are there to set policy. That is the whole purpose of it, and I have laid out policy directions that they have on which it would take forever for this body to hold hearings.

It is very unfair to Senator MCCONNELL and me and the task force generally to say we did not give them anything. We gave them so much you need a semitruck and trailer to haul the responsibilities alone. I have read only part of them.

Senator MCCONNELL will be on the floor shortly. If there are no other amendments, we will go to final passage. Everybody should know it is 8:30 at night, and we waited all day. We want to be patient. As I indicated, we are going to do our very best to finish this legislation as soon as we can.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

AMENDMENT NO. 3986 TO AMENDMENT NO. 3981

Mr. MCCONNELL. Mr. President, there is an amendment at the desk by Senator BYRD, No. 3986. I ask that it be considered. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. BYRD, proposes an amendment numbered 3986 to amendment No. 3981.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 3986

At the appropriate place in Sec. 402(b) after the word ''matters,'' insert the following:

'', as determined by the Senate Committee on Appropriations''

Mr. HARKIN. I didn't hear the request.

The PRESIDING OFFICER. There was a request to dispense with further reading of the amendment.

Mr. HARKIN. What amendment?

Mr. MCCONNELL. An amendment by Senator BYRD relating to the resolution we are working.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3986) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4038 TO AMENDMENT NO. 3981

Mr. MCCONNELL. Mr. President, there is an unnumbered amendment at the desk by Senator SHELBY regarding the National Flood Insurance Act.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. SHELBY and Mr. SARBANES, proposes an amendment numbered 4038 to Amendment No. 3981.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To retain jurisdiction over the National Flood Insurance Act of 1968, with the Committee on Banking, Housing, and Urban Affairs)

At the appropriate place, insert the following: ''*Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.''.

Mr. MCCONNELL. 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. 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.

Mr. MCCONNELL. I am aware of no opposition to the Shelby amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4038) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

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

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

Mr. REID. Mr. President, the distinguished Senator from Delaware has an amendment to offer. He has indicated

he would be willing to enter into a time agreement which, as far as I am concerned, is fine. He has indicated he would take—

Mr. BIDEN. Mr. President, unless someone else wishes to speak on this, 15 minutes. I think I can do it in 10, but let's say 15 minutes to protect myself.

Mr. REID. And whoever wishes to speak against him have 15 minutes, and Senator BIDEN have 5 minutes to close if somebody speaks following that.

Would that be appropriate?

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Could we be informed as to the topic?

Mr. REID. The topic of it is Senator BIDEN and Senator LUGAR wish to add the chairman and ranking member of the Foreign Relations Committee as ex officio members of the Intelligence Committee, having no voting rights or the ability to help establish a quorum.

Ms. COLLINS. I thank the Senator for the explanation.

Mr. REID. Mr. President, I ask unanimous consent that Senator BIDEN have 15 minutes, that someone opposing his amendment have 15 minutes, and Senator BIDEN have 5 minutes to close the debate prior to a vote on the amendment, and that no amendments to the amendment be in order prior to a vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Delaware.

AMENDMENT NO. 4021 TO AMENDMENT NO. 3981

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself and Mr. LUGAR, proposes an amendment numbered 4021 to amendment No. 3981.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 5, after line 3, insert the following: ''(C) The Chairman and Ranking Member of the Committee on Foreign Relations (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.''.

Mr. BIDEN. Mr. President, this is very straightforward. Right now, the chairman and ranking member of the Armed Services Committee are ex officio members of the Intelligence Committee, with no voting rights, no requirement that they be there to make a quorum. Quite frankly, they are there to be able to listen when they seek to do that.

Senator LUGAR and I are proposing the same exact status be made available for the chairman and ranking member of the Foreign Relations Committee. I know the argument will be, why don't we make everybody, every chairman, every ranking member, ex officio members? But the Foreign Relations Committee does need access to this information.

I know it will come as a shock, but because of the necessary requirement of focusing on certain subject matters, which hopefully we gain some expertise on, the Foreign Relations Committee and its chairman and ranking member, hopefully, have some insights occasionally which other Members may not have because they do not spend the time on that issue. Just as in the Armed Services Committee, the ranking member and the chairman may have access to information that is not intelligence information but is information that would shed light upon judgments being made by the Intelligence Committee as a consequence of information made available by the CIA and other intelligence operations. Because, as we all know, intelligence operations can have major impacts for good or for ill on American foreign policy.

I am necessarily, as we all are, restrained from giving contemporary examples of that, but I have been here a long time and go back to the period of the Cold War. I sat on the Intelligence Committee at the time, but I was not a ranking member. I was on the Intelligence Committee for 10 years, I think as long as anybody who served in this body. There may be somebody who served longer than me on that committee. But one of the things I learned is occasionally the Intelligence Committee would come up with initiatives made available under our special rules, which are necessary, special rules that are applicable only to the Intelligence Committee, and access and brief only the Intelligence Committee, and many members on the committee would not be aware that there were totally different operations going on on a diplomatic front or on an arms control front or on a matter relating to national security that were not explicitly—explicitly—intelligence matters.

Let me give you a few examples without giving, obviously, the details, but generic examples. Intelligence collection and analysis are essential to the verification of compliance with arms control and nonproliferation agreements. A few years ago, we on the Foreign Relations Committee heard that a particular intelligence system that is important to that function—that is, collecting intelligence for compliance on nonproliferation treaties and arms control—we heard that function was in danger of being lost.

We took the initiative. We raised it with the Intelligence Committee because we had heard this. We let them know what we had heard to make sure the executive branch retained this particular system that we believed, in the Foreign Relations Committee, was essential to a matter relating to nonproliferation, something that most of the members on the Intelligence Committee, understandably, serving on many committees other than Foreign Relations or Armed Services, did not see the particular relevance of. So when briefed by the Intelligence Committee, it seemed all right. It didn't seem like this particular system was critical for a foreign policy initiative that was underway and a treaty that existed. And by the way, we only heard about it from someone in the executive branch who had made it known to a member of the Foreign Relations Committee.

Intelligence is also needed to give warning of new dangers and opportunities around the world. That may require different capabilities from those of us who serve on the Armed Services Committee or who served in the Armed Services. The Armed Services Committee rightly worries about intelligence support for military operations. Why is that unrelated to major diplomatic operations? That can have as much consequence on American security as tactical military operations.

The Foreign Relations Committee has a concern to ensure that there is a balance, that U.S. intelligence resources are not devoted primarily or overwhelmingly to tactical targets. My friend, the chairman of the committee, may disagree with me, but if I translate that, we only have so many assets that can be brought to bear. If I can make an analogy to the FBI, there are only 11,600 FBI agents, I think maybe 11,800. By the way, I might note, before 9/11 there were only 11,300. So we haven't done much there.

But let's assume we say what is going on right now. There is a decision being made that those agents should focus on counterterror. That is a legitimate issue. But what about the Mafia? What about organized crime units that deal in drugs that are not involved in terror? It is a legitimate issue to debate as to where the resources should be placed. Of that 11,800, you have about 4,000 people to be made available. You only have so many satellites. You only have so many agents. You only have so many resources. And, understandably, the Armed Services Committee wants to make sure those resources are focused on those tactical issues that are critically important.

I am not suggesting they should not. But there should be a voice there that is fully informed on the foreign policy side and has access that other members of the Foreign Relations Committee do not have because, as we all know, there are certain things that are made available to the Foreign Relations Committee, under our rules, only to the ranking member and only to the chairman and not the whole membership. And so absent having the fact that we have a member who may be brighter than and more informed than the chairman or the ranking member, they don't have the same access. They don't have the same access to all the diplomatic initiatives that are underway.

So if it makes sense to have Armed Services have tactical input here, it seems to me that this false separation of our foreign policy and our defense policy is one of the reasons we got ourselves in trouble to begin with. What are we doing now? We are agreeing to change the rules. We are about to change the rules, I hope, when we get into reorganizing this body. And we are going to say no longer is a member of the Foreign Relations Committee not able to serve on Armed Services, and no longer is a member of Armed Services not able to serve on the Foreign Relations Committee. Why? We are going around making sure that there are not stovepipes in the Intelligence Committee. We finally figured out there should not be stovepipes in terms of information and access and expertise as it relates to strategic doctrine, foreign policy, and tactical military operations. It is necessary.

I know of one matter on which we were kept in the dark for some months, then briefed earlier this year. And we have gotten no information since. We go back, the chairman and I, and say: We want more information.

They say: We already told the Intelligence Committee.

Then the Intelligence Committee tells us, which is literally true: We can come and read whatever it is that is there.

We all know how this place works. If you are not there in the middle of a hearing, if you are not there in that closed session, if you are not able to probe what is being said and have a perspective that may be different than the members of the committee, you are not likely to get the information.

That is especially true because if we gained information as ex officio members of the Intelligence Committee, we would be bound by the same nondisclosure rules that apply to other members of the Intelligence Committee. I found in my 10 years on the Intelligence Committee—I think that is longer served time than anybody who presently sits on the Intelligence Committee, or as long; I could be wrong about that—I found, as one of my friends said early on when I got put on that committee originally: I don't want to go on because it is like Pac-Man. They will tell you information that you otherwise could learn, but once they have told you, you can't disclose it because if you do, even though it appears in the New York Times, you have violated the law.

One of the things that is useful, I find that people are much more open with me as a junior member of the Intelligence Committee rather than a 31-year member of the Foreign Relations Committee. So we would be bound by the same rules. The Foreign Relations Committee also has a major concern for the safety and security of overseas embassies. We have shared that concern in this regard with the Intelligence Committee, which doesn't want to see intelligence personnel or information put at risk by ineffective security in our embassies. We will be able to pursue that shared interest more effectively if our chairman and ranking member have ready access to the information on this security and security around the world.

And lastly, because I am getting pretty close here, the idea of being able to completely separate the functioning of our State Department and the functioning of the intelligence community in little neat boxes does not comport with reality. That is not how it works.

Other than the present chairman of the committee maybe not wanting the Government expense of adding two more chairs at the table, I quite frankly don't understand what the problem is.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Kansas.

Mr. ROBERTS. Mr. President, Senator BIDEN, in his usual flare, has offered an amendment to add the chairman and ranking member of the Senate Foreign Relations Committee as ex officio members of the Intelligence Committee. Under S. Res. 400, the organizing resolution for the Senate Intelligence Committee, eight members are already crossovers from other committees: two from the Judiciary Committee, two from Armed Services, two from Appropriations, and two from foreign Relations. This is on purpose, because we believe these four committees should have crossover representation on the committee as it now stands. That is under S. Res. 400.

With all due respect, I think the members of the Foreign Relations Committee—Senator HAGEL, Senator ROCKEFELLER—do an excellent job in representing the Foreign Relations Committee on the Intelligence Committee. These crossover members do perform an invaluable service for the Intelligence Committee.

First, they ensure that the insights and perspectives of the other Senate committees are considered in the oversight of the intelligence activities of the United States. And second, they do already provide the Armed Services Committee and the Judiciary Committee and the Appropriations Committee and, yes, the esteemed members of the Foreign Relations Committee, with a view of the Intelligence Committee on issues that cross jurisdictional boundaries.

Now, under the McConnell-Reid reform proposal, the Intelligence Committee would grow by two ex-officio members already. The chairman and ranking member of the Armed Services Committee, the majority and minority leaders, already serve as ex-officio members of the committee. So following reform, the Intelligence Committee will be composed of eight crossover members. If Senator BIDEN's amendment is successful, there will be six nonvoting ex-officio members.

Now, any chairman or any ranking member who has crossover jurisdiction with any other committee, under this logic, should be an ex-officio member of the committee. After all, we need to keep an eye on one another. I have every trust in thee and me, but I wonder about thee. This is like Bob Barker: Come on down, be an ex-officio member of the Intelligence Committee. This is empowerment? This is further dissolution in terms of the responsibilities and cohesion and pertinence in regard to the Intelligence Committee.

Well, does the Intelligence Committee need that much oversight? Do the guaranteed crossover memberships not really protect sufficiently the equities of the Armed Services and Foreign Relations Committees?

As chairman of the Intelligence Committee, I said on the Senate floor earlier today that I often have concerns with the actions of the Armed Services Committee, Foreign Relations Committee, Appropriations Committee, and the Judiciary Committee—not necessarily in that order.

Given this logic, as such, given the proliferation of ex-officio memberships, perhaps the chairman and vice chairman of the Intelligence Committee should have ex-officio membership on other committees with jurisdiction that overlap the intelligence issues. What is good for the goose is good for the gander. I will leave Members to decide who is the goose and who is the gander. I focus on four primary committees: Armed Services, Foreign Relations, Appropriations, and Judiciary. I was going to have a second-degree amendment to say, why can't Senator ROCKEFELLER and I be ex-officio on these committees if they want to be ex-officio on our committee? I am not sure exactly what they would do other than monitor. We can certainly find something for them to do as they follow the work of the Intelligence Committee. I could go on. We could have ex-officio status for Senator ROCKEFELLER and myself for the new Homeland Security and Governmental Affairs, Banking, Finance, and Agriculture Committees. They all have cross-jurisdictional interests that touch on intelligence issues.

With only limited exceptions, all Senators have access to the information and activity of the Intelligence Committee. As chairman, I and the distinguished vice chairman, Senator ROCKEFELLER, have invited all Senators to come down and take a look at the classified portions of the Iraq review or any other Intelligence Committee product or holding. You are welcome. Just ask. Come on in.

The committee assists in the arrangement of classified briefings for all Senators by our intelligence agencies. Ex-officio membership is an unnecessary requirement and maintains the status of the Intelligence Committee as a weak child of the Senate.

Let's not have any further diminution of the Intelligence Committee. I

urge colleagues to oppose the Biden amendment.

I yield the floor.

Mr. BIDEN. Mr. President, you know, one of the problems of being around here a while is that you get in this body and you take things in a personal context. This has nothing to do with overseeing the Intelligence Committee. This is about expanding the capability of the Intelligence Committee.

Let me give my friend an example. I think he totally misses the point. He views this as an assault on the committee, a weakening. We are looking at them. I wonder if the Senator is aware that on the Foreign Relations Committee, there are numerous occasions when the ranking member and chairman are made aware by the Secretary of State and/or the President himself of a diplomatic initiative that they have no idea is about to be undertaken. I wonder if he knows that. It is not about the collection of intelligence, it is about a diplomatic initiative.

Let me make something up. Assume we were having great difficulty with Canada and they are our enemy. The President and Secretary of State call the chairman and ranking member of the Foreign Relations Committee down to get our judgment on whether, if we made the following entree diplomatically to a particular group in Canada—say, Quebec—we might be able to move the ball, and, at the same time, the Intelligence Committee is hearing information that is meat and potatoes, critically important, that there is an initiative underway in the Intelligence Committee to eavesdrop upon the undertakings of the very people who are about to make this initiative. It might be a useful thing, not an assault on the chairman or a diminution of his authority but another access and avenue of, hopefully, an informed person with a different perspective on something that is not banking, or it is not agriculture; it is serious stuff.

We tend, when we think about intelligence, to think only in terms of covert operations and the military. The fact is, that is part of our problem. This false separation of the conduct of American foreign policy and the policy of our strategic doctrine and our tactical doctrine is part of our problem. So this is not about sitting down and babysitting, or whatever the phrase used by my friend was; this is about being collaborative and letting them maybe know a perspective they didn't know.

Lastly, we all have access to all kinds of information. The problem is, unless we are essentially tasked with the responsibility and obligation, there is so much we have to do, we don't get to do it. I know what the chairman is worried about: this guy sitting next to me. I hired him in the Intelligence Committee 20 years ago. He sat there for 10 years. Now he works for me on the Foreign Relations Committee. There is a worry—not about my particular colleague on my left—but we will have staff there that will do what they do in every committee if they attend a hearing: Mr. Chairman, this is about to happen, and it is a small thing and it totally conflicts with what you have been told by the Secretary of State and it may be useful.

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

Mr. BIDEN. Do I have any time beyond that?

The PRESIDING OFFICER. Five minutes to close.

Mr. BIDEN. The bottom line is, I wish we would get together in this place and stop viewing everything as sort of an assault on somebody else's jurisdiction. This is not about that. I got off of the Intelligence Committee. I was on the Intelligence Committee, the Budget Committee, the Foreign Relations Committee, and the Judiciary Committee. I concluded that I could not do all four of those, so I got off. I gave up the chairmanship of the Budget Committee because I didn't think I could do that and my job on the Foreign Relations Committee and the Judiciary Committee.

The strength of this institution lies in our willingness to recognize the contribution that each of us can make, the perspective we bring to the table, and, occasionally, just maybe a degree of expertise that maybe another colleague doesn't have. I clearly do not have the expertise of my colleague on the Intelligence Committee on intelligence matters now. He is fully, contemporaneously, totally informed. I don't have the competence on matters relating to the Banking Committee and the international banking system as the chairman and ranking member do because that is their obligation. I don't have the competence my friend from Alaska has on the Appropriations Committee and how all these pieces fit together, but I respectfully suggest that I might be able to contribute.

Whoever succeeds me—the Senator from Connecticut, I think, is next in line to be chairman or ranking member of the Foreign Relations—I respectfully suggest he has a perspective that might be useful.

Why do we view this in terms of competition? If you hang around this place long enough, you kind of go through a couple phases, one of which is you end up sometimes not recognizing the potential strength that lies here.

Senator HAGEL and Senator ROCKEFELLER are brilliant members of the Foreign Relations Committee. Senator ROCKEFELLER, because he is the co-chairman, has not been able to attend one-fifth of our hearings, and he should not be at our hearings. He should be doing the work of the Intelligence Committee because that is his primary responsibility. Senator HAGEL is the same way. They are both incredibly well-informed people. They both serve on the committee, but they do not have the full access Senator LUGAR has to every diplomatic initiative that Senator LUGAR may be aware of or the particular concerns or the sensitivity of a particular initiative and at a particular time.

I conclude by saying, I go back to my days on the Intelligence Committee. I happened to be aware, only because Senator Pell made me aware, of an initiative that was underway in a particular Eastern European country. At the time, Mr. Casey and Ugell were running operations there. Only because I was made aware by the chairman of the committee of what he had been briefed on and was allowed to communicate was I able to say in a hearing and I think—I don't know this for a fact. I know I asked for two hearings, as a member of the Intelligence Committee of the entire Senate. I demanded there be a secret hearing, that we close the doors, only Senators, no staff. It does not often happen because you only have one of two choices when you are informed about what you think is a dangerous initiative that is underway in the intelligence community. You go forward and you blow it and you suffer the consequences, you have broken the law, or under the laws, you can ask for a secret meeting of the Senate.

There was an operation that was proposed. This is years ago in the early days of the Reagan administration, relating to the very country in which there was a serious diplomatic initiative being made, in a sense covertly, not by the intelligence community, but by the State Department and the White House.

When I made the Congress aware of that, it was concluded that maybe it was not a good operation, and I signed on that piece of paper. You still have to sign off: I oppose this action. Whether it is because I did that or not, I cannot say, but the action was jettisoned. It was ill-conceived and totally at odds with the initiative the Reagan administration had going over in another piece of it. I do not know if that was a positive contribution or not, but I can tell you it was a different perspective.

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

Mr. BIDEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I believe I have approximately 9 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. Mr. President, let me say to the Senator from Delaware, whom I admire for his expertise on foreign policy, I think all of us have an obligation to learn from, to ask, to seek guidance, to seek expertise from other Members, and I hope it is in that spirit that we are able to do this.

As Chairman of the Emerging Threats Capabilities Subcommittee on Armed Services, I work very closely with Senator LUGAR on the Counterthreat Reduction Program. I do not think I can do the job without talking to Senator LUGAR. Senator

Nunn and Senator LUGAR put that together, the Nunn-Lugar program. I talk with Senator LUGAR a lot in regard to his perspectives on foreign policy.

I have not taken the opportunity that I probably should have to talk with the Senator from Delaware at great length—we talk about some things but certainly not enough. I welcome the Senator to come to the Intelligence Committee in regard to any desire he might have to go over or to review any of the intelligence material that pertains to foreign policy. All of that does, as a matter of fact. It was the State Department that pretty much got it right in the WMD review in regard to possible WMD in Iraq, and we know that and we respect that. We made a special effort to invite the State Department in, and we will be happy to visit with the Senator from Delaware about that.

I yield the remaining time I have to a member of the Foreign Relations Committee who is always telling me about the need to tie in the relationship with regard to foreign relations and intelligence. He is the distinguished vice chairman of the Intelligence Committee. We work together in a bipartisan way. We have gone through pretty tough times. We achieved a 17-to-0 vote in regard to the WMD inquiry.

We are not trying to deny information to anybody. We want to share it. We want to learn, especially from people such as Senator BIDEN.

I yield my remaining time to Senator ROCKEFELLER.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished chairman, the Senator from Kansas. I say to the Chair, I was downstairs and I had a wonderful opportunity to spend some time talking with Senator BYRD. We do not have that much opportunity to talk with each other—all of us—and I enjoyed it. Then I began to listen to the conversation. I began to think, I don't know of any committee in the Congress which is more specifically and more logically set up with respect to representation from other committees.

We have the Foreign Relations Committee. We have the Judiciary Committee. We have the Appropriations Committee. We have the Armed Services Committee. We have general members. We are actually going to grow somewhat smaller probably as a result of this intelligence reform. So everybody is represented.

One of the things I have also noticed is that there are a number of Senators—unfortunately not the majority of them, but a number of them—who will come in early in the morning, and they will get with my staff or Senator ROBERTS' staff and they will say: I want to read stuff that I can only read inside these closed facilities. It may be a National Intelligence Estimate. It may be parts of a report. But we operate openly within a very discreet and necessarily secreted space.

It does not occur to me that Foreign Relations is denied access. Everybody, by definition of being a Senator, belongs to the Intelligence Committee by way of information. It would be perfectly honest to say sometimes taking the 3 or 4 hours, as a number of Senators do, they come in and read and sometimes those are much more productive than even some of the hearings that we might have where everybody gets 5-minute questioning rounds, and Senators will take that.

Is it true we have a special relationship with the Armed Services Committee? Yes, it is true because a great deal of the Armed Services budget interacts and relates to what is going on in intelligence. This evening, we passed a very carefully crafted compromise between sequential referral because the relationship between Armed Services and Intelligence is necessarily complex and can have tension or less tension, and we want to try and keep it having less tension.

We have a very small space. Our hearing room is the smallest hearing room I have ever been in, in either the State legislature or the Senate. It seems to me the particular committees that have jurisdiction are represented. They are represented under S. Res. 400. It is very formal, it is very exacting, and just as Senator LUGAR—I am so distressed to see Senator LUGAR leave the committee because he was so good at it, but that was the 8-year limit, which is now hopefully going to disappear.

There is representation, I say very honestly to my friend from Delaware. There is representation. The Senator is always welcome. The Senator has as much right and access—equal and not one-quarter of 1 percent less—to what goes on in terms of the intelligence that is available to us, Chairman ROBERTS or myself and other members of our committee—now 17, soon to be 15—have.

I would just hope that that particular relationship of armed services would be understood. The chairman is on the Armed Services Committee and that is a conflict. It tears at him because he is chairman of one and very senior on the other, but we work it out. We simply work it out because we stay with it.

Again, I say that being on Intelligence is sort of like 100 percent of your time, and I think the quickest way to achieve that is to come in and do the reading. I am thinking of a lot of Senators, whose names are going through my head as I speak, who do that. They come in at 7 in the morning. My staff and the chairman's staff are there. They accommodate them. They say: What do you want to read? And they make it available. They sit down and read and they walk away and they have gotten an enormous amount of information.

So I think the system works pretty well.

Mr. BIDEN. Will the Senator yield for a question?

Mr. ROCKEFELLER. I think the committees are accommodating, and I would hope that the Senator would be understanding of that.

Mr. BIDEN. Will the Senator yield for a question? I will be very brief.

Mr. ROCKEFELLER. Yes.

Mr. BIDEN. I used to have a friend who used to say: You have to know how to know.

The Senator has been on the Intelligence Committee long enough to know that unless one is there and they know what has been said, reading the report is not particularly relevant half the time. My question is this: What is the problem? The committee does not have enough seats? The committee does not have enough chairs if we walk in? What is the deal? What is the concern? That we would release the information more than anyone else on the committee might?

I mean, I am a little confused. Like from that line in the movie: What is the story, Richie? What is the problem? What is the downside? Do we breathe too much of the oxygen in the room? Are we going to take up more time? I do not quite get it.

I understand what the Senator says about how we are covering it. What I do not understand is, no one has said to me what is the downside of Senator LUGAR being able to, when he feels like it, show up, sit there and ask questions just like the Senator asks questions because he has a perspective. I am a little curious about that.

I yield the floor.

Mr. ROCKEFELLER. I would be happy to do my best to respond.

The PRESIDING OFFICER. All time has expired.

Mr. BIDEN. I ask unanimous consent that the chairman have 2 minutes to respond.

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

Mr. ROCKEFELLER. I say to the distinguished ranking member of the Foreign Relations Committee, that, in fact, to get into the room space is a problem. We do not have a single place to put a single person except in the back of the room. Now, that embarrasses me to say that, but it is a fact.

Secondly, I differ with the ranking member when he says that reading does not count that much. Reading and knowing the material, whether it is WMD or whether it is predictions, or whatever it is, is the greatest part of it.

The hearings are tremendously important and they are the democratic part of it so everybody has a chance to ask questions, but I know of nothing which precludes the ranking member being able to do that. For example, to staff, it is a matter of just saying, I want to know the answers.

The Senator has the same privileges on Intelligence that this Senator does, I would say through the Chair.

Mr. BIDEN. I do not believe that is accurate.

The PRESIDING OFFICER. All time has expired.

The Senator from Kentucky.

Mr. MCCONNELL. Before going to the vote, I will say that I am aware of only two, possibly three, amendments remaining. We are still hoping to push forward. I know Senator CRAIG is here, and I believe he is prepared to offer an amendment. It is still our hope that we can press through to final passage tonight.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4021.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. CAMPBELL), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New Mexico (Mr. DOMENICI), the Senator from New Hampshire (Mr. GREGG), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

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

The result was announced—yeas 36, nays 54, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—36

Akaka	Corzine	Kennedy
Alexander	Daschle	Kohl
Biden	Dodd	Landrieu
Bingaman	Dorgan	Leahy
Boxer	Durbin	Lincoln
Breaux	Feingold	Lugar
Cantwell	Feinstein	Nelson (FL)
Carper	Hagel	Nelson (NE)
Chafee	Harkin	Pryor
Clinton	Inouye	Reed
Coleman	Jeffords	Sarbanes
Conrad	Johnson	Stabenow

NAYS—54

Allard	Ensign	Nickles
Allen	Enzi	Reid
Baucus	Fitzgerald	Roberts
Bayh	Frist	Rockefeller
Bennett	Graham (SC)	Santorum
Bond	Grassley	Schumer
Brownback	Hatch	Sessions
Bunning	Hutchison	Shelby
Burns	Inhofe	Smith
Byrd	Kyl	Snowe
Cochran	Lautenberg	Specter
Collins	Levin	Stevens
Cornyn	McCain	Sununu
Craig	McConnell	Talent
Crapo	Mikulski	Thomas
Dayton	Miller	Voinovich
DeWine	Murkowski	Warner
Dole	Murray	Wyden

NOT VOTING—10

Campbell	Graham (FL)	Lieberman
Chambliss	Gregg	Lott
Domenici	Hollings	
Edwards	Kerry	

The amendment (No. 4021) was rejected.

Mr. FRIST. Mr. President, there will be no more rollcall votes tonight. We will continue to be here for a while. The plan will be to have a cloture vote on this bill tomorrow morning. We will have to start fairly early tomorrow morning. That vote should occur around 9:15. We will come in at 9 and do a little bit of business and have the first rollcall vote tomorrow around 9 o'clock.

We do appreciate everyone's patience and especially appreciate the bill's managers, Senators MCCONNELL and REID. This has been a very long day. I know people are exhausted. We have a lot more work to do. We will continue for a while. Again, no more rollcall votes tonight.

Mr. DASCHLE. Our two managers have done a wonderful job in getting us to this point. It is very important now to know what amendments are left. If they can be submitted tonight, we will work on a finite list and try to get that finite list locked in tonight or first thing tomorrow to work through what amendments remain.

Our two managers are to be congratulated for a job well done today. We will try to finish tomorrow.

Mr. FRIST. For planning purposes, because people are asking how long we will be around, we are really having to take this an hour at a time. The plans remain, as the Democratic leader and I have said all week, we will complete this bill. We are going to deal with FSC/ETI, the jobs manufacturing bill, and we will complete Homeland Security appropriations before we leave.

We have been fairly clear about the schedule, and everyone has worked very hard, but it means we will stay here until we finish. So we will be here tonight, tomorrow, Saturday, Sunday, or whenever we complete our work. I don't know how long that will take. Everyone knows what the bills are. We have again and again asked for people to focus on the bills. Members have done a very good job. People are very tired.

Rather than break and spend all next week or even the week after that, we have decided to go straight through. We know what the business is. The objectives are as I said. And we will again—it is late tonight—we will start early tomorrow morning, and we will complete business before we leave.

No more rollcall votes tonight.

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

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

AMENDMENT NO. 4040 TO AMENDMENT NO. 3981

Mr. BINGAMAN. On behalf of Senator DOMENICI and myself, I send an amendment to the desk. I understand it has been agreed to by both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. DOMENICI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4040 to amendment No. 3981.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading be dispensed with.

The amendment is as follows:

(Purpose: To transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources)

Section 101(b) is amended by—

(1) striking paragraph (10); and

(2) adding at the end the following:

''Matters relating to organization and management of United States nuclear export policy (except programs in the Department of Homeland Security) shall be referred to the Committee on Energy and Natural Resources.''.

Mr. BINGAMAN. I urge my colleagues to support this amendment.

Mr. CRAIG. We support the amendment. It is an excellent, necessary amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4040) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

VITIATION OF VOTE

Mr. REID. Mr. President, I am sure that everyone in good faith offered the amendment, but the action that was taken by the Senate has to be rescinded. The managers of the bill were not aware of what was going on. Anyone interested in this had no knowledge of what was going on. It is simply not the right thing to do.

I ask unanimous consent that the action taken by the Senate on amendment No. 4040 be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, I certainly have no objection. I thought this had been agreed to by both managers.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, both managers of the bill were engaged in conversation here. There was a misunderstanding about whether the Domenici amendment had been approved. Senator REID correctly asked that the vote be vitiated.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection to the request?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand there is no quorum call in progress.

The PRESIDING OFFICER. The Senator is correct.

OVERTIME PAY

Mr. HARKIN. Mr. President, America is stuck in a jobless recovery. This jobless recovery is not an accident. It is in large measure the result of failed economic policies, policies that the Bush administration stubbornly clings to. Despite the loss of millions of private sector jobs over the last 3 and a half years, this administration has embraced offshore outsourcing. It has been against extending unemployment insurance for the long-term unemployed. It is adamant against raising the minimum wage. And it has been determined to eliminate time-and-a-half overtime pay for millions of American workers.

It is time, I believe, for us to chart a new course. It is time for Washington to listen to ordinary working Americans. They are telling us loudly and clearly that their No. 1 issue is economic security. They are telling us that they fear losing their jobs, their health care, and their retirement.

Now they also fear losing their right to time-and-a-half compensation for overtime. They fear, with good reason, that under the Department of Labor's new rules, they will be obliged to work a 50- or 60-hour week with zero additional compensation. For millions of working Americans this is unacceptable, and it is the last straw.

Accordingly, we have repeatedly offered an amendment to stop the Bush administration's new rules to eliminate overtime pay protections for millions of American workers. That amendment was voted on numerous times in the Senate and passed both by strong bipartisan majorities. It also has the overwhelming support of the American public. Yet despite this clear expression of the will of Congress and the public, my overtime amendment was stripped earlier in the year from the Omnibus appropriations bill in conference and again this week in the conference on the FSC–ETI bill.

But my overtime amendment will be back, and it will be back by popular demand. It amazes me, wherever I travel in the United States, people come up to me to talk about this overtime issue. They know what the administration is doing. They are angry. They want action to stop these new overtime rules.

Frankly, at this point, the administration has zero credibility on this issue. The Department of Labor claims that it simply wants to give employers a clearer guide as to who is eligible for overtime pay. But ordinary Americans are not buying this happy talk. They know the administration has put into effect a radical rewrite of the Nation's overtime rules. They know these new rules strip millions of workers from the right to fair compensation.

The American people are right. Plain and simple, the new overtime rules are a frontal attack on the 40-hour workweek, proposed initially by the administration without a single public hearing.

The new rules could effectively end overtime pay in dozens of occupations, including nurses, police officers, clerical workers, air traffic controllers, social workers, even journalists. Indeed, the new criteria for excluding employees from overtime are deliberately vague and elastic, so as to stretch across vast swaths of the workforce.

Listen to Mary Schlichte, a nurse in Cedar Rapids, IA. Here is what she said:

> Many nurses just like me work long hours in a field with very stressful working conditions and little compensation. . . . Our patients rely on us, and our families depend on us. We need overtime pay so we can stay in the profession we love and still make ends meet.

Ms. Schlichte told me about her nurse colleagues in Cedar Rapids who also rely on overtime pay. One nurse is married to a struggling farmer, and she relies on overtime pay to cover their insurance premiums. They already fear losing their farm, she says, and now they fear losing their health care, too.

Dixie Harms is a longtime trainer of nurses in Des Moines. Ms. Harms told me:

> If overtime is changed for hospital nurses, we will see a mass exodus of registered nurses from the hospital setting because they will get fed up and refuse to ''volunteer'' so many hours doing what they love doing.

Three years ago, after the terrible September 11 attacks, many here in Washington spoke eloquently about the heroism of our firefighters, police officers, first responders, and public safety workers. Ever since, America's first responders have worked long hours to protect us from terrorist threats. But the administration even wanted to deny these workers time-and-a-half compensation for those longer hours. This is wrong.

Since passage of the Fair Labor Standards Act of 1938, overtime rights and the 40-hour workweek have been sacrosanct, respected by Presidents of both parties. But alas, it is not sacred to this administration. For 65 years, the 40-hour workweek has allowed workers to spend time with their families instead of toiling past dark and on weekends. At a time when family dinner is becoming an oxymoron, this standard is more important than ever.

These radical revisions are antiworker and antifamily. And given the fact that we are stuck in a jobless recovery, the timing of this attack on overtime could not be worse. It is yet another instance of this administration's economic malpractice. Bear in mind that time-and-a-half pay accounts for some 25 percent of the total income of Americans who work overtime. With average U.S. incomes declining, the proposed changes would slash the paychecks of millions of white-collar workers.

Moreover, the new rules are all but guaranteed to hurt job creation in the United States. Isn't this just basic logic? If employers can more easily deny overtime pay, they will push their current employees to work longer hours without compensation. With millions of Americans currently out of work, why would we give employers yet another disincentive to hire new workers?

It is bad enough to deny 6 million workers their overtime rights, but what is striking is the mean-spiritedness of the Department of Labor. The Department offered employers what amounts to a cheat sheet. It offered employers helpful tips on how to avoid paying overtime to the lowest paid workers, the same workers who are supposedly helped by the new overtime rules.

For example, the Department suggested cutting a worker's hourly wage so that any new overtime payments will not result in a net gain to the employee. It also recommended raising a worker's salary slightly to meet the threshold at which eligibility for time-and-a-half pay ends. This is just disgraceful. But it gets worse. The administration's scheme specifically targeted veterans, categorizing many as professionals even if they do not hold a professional degree or receive the same salary as degreed professionals.

Think about it: The administration opted to deny overtime pay to first responders, police officers, and firefighters who put their lives on the line protecting us here at home. It also aimed to take away overtime from veterans who put their lives on the line overseas. This may seem outrageous to most Americans, but some major employers are very pleased.

Here is a portion of the Boeing Corporation's comments on the Department's rules:

> Many of [Boeing's] most skilled technical workers received a significant portion of their knowledge and training outside the university classroom, typically any branch of the military service . . . Boeing thus supports the department's focus on the knowledge used by the employee performing her job rather than the source of the knowledge or skill . . .

The National Association of Manufacturers made similar comments. Let me quote:

> NAM applauds the department for including this alternative means of establishing that an employee has the knowledge required for the exemption to apply. This addition is entirely consistent with the realities of the current workplace and the purpose of the Fair Labor Standards Act. For example, many people who come out of the military have significant knowledge based on work experience but have not had ''a prolonged course of specialized intellectual instruction.''

Understandably, veterans were deeply disturbed by the administration's

proposed new rules. For example, Vietnam Veterans of America wrote to the Secretary of Labor and said:

> [Veterans] who have received military training equivalent to a specialized degree could now be classified as a professional employee and lose their right to overtime. This will be true even if the veterans in question do not earn the higher pay afforded to those with an advanced degree or with supervisory/management positions.

The organization further complained that this legitimizes the already extensive problems of discrimination against veterans.

And this is from the national president of the Vietnam Veterans of America, Thomas Corey:

> Therefore, we would like to make you aware that the proposed modification of the rules would give employers the ability to prohibit veterans from receiving overtime pay based on the training they received in the military . . . The proposed rule changes will make these veterans and their families unfairly economically vulnerable in comparison with their non-veteran peers. We hope you will agree that the men and women who have served our Nation so well in military service should not be penalized for having served.

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. VOINOVICH. 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. VOINOVICH. Mr. President, I rise to express my sadness with the actions of the Senate these last 2 days and express why I will oppose the resolution to reorganize the Senate. I will vote against the resolution because it was supposed to improve the manner in which this Chamber overseas the intelligence and homeland security issues. As of now, it will do no such thing. In fact, it is a step backward because we have claimed to have taken action when in reality little has changed.

Make no mistake, the status quo rules the day and underscores the observation that the Senate has failed to change the way it conducts oversight of intelligence and homeland security issues as recommended by the 9/11 Commission.

First, the 9/11 Commission recommended we establish a single committee, each House of Congress, combining authorizing and appropriating authorities. However, the Senate overwhelmingly rejected the amendment offered by the Senator from Arizona, which I supported, that would have given the Select Committee on Intelligence appropriating power that would substantially reform the manner in which this body conducts oversight of intelligence. The actions of the Senate fly in the face of the 9/11 Commission recommendations.

Without this power, I anticipate that the problems that have been described by Senator MCCAIN and Senator ROBERTS during this debate will continue. In many instances, the executive branch agencies will pay their authorizing committees lip service and go behind their backs to the Appropriations Committee to get what they want. All you have to do is talk to members of the Intelligence Committee and you will understand why it is so important that they have the appropriations power.

If we are going to be asking people to serve on a Select Intelligence Committee and we don't give them the appropriations, then why serve on the committee, because it will be more of the same that we have had around here for the last several years?

I have seen it time and again in my first term. We do a poor job of oversight because authorizing committees lack the power of the purse. The defeat of the McCain amendment will only continue to make oversight of intelligence more difficult than necessary.

Second, the Senate took up this resolution to fulfill the recommendation of the 9/11 Commission that there should be a single authorizing committee in each House of Congress for the Department of Homeland Security, just as we have for the Department of Defense, Department of State, and Department of Justice.

Again, what we did flies in the face of the recommendation. We have seen amendment after amendment offered and accepted by this body, which guts the authorizing jurisdiction of the committee on homeland security and governmental affairs. Instead of having a single authorizing committee, the Department of Homeland Security will have at least four. Many of my colleagues took the floor and insisted the exceptions they were carving out of the jurisdiction of the homeland security committee had nothing to do with turf. Baloney. It had everything to do with turf.

At a time when our national security is in jeopardy, the American people should be upset and concerned with what we have seen on the floor of the Senate when we should be concerned about our homeland security. All of us in the Senate understand that we are in jeopardy from what we are doing in our respective offices to make sure our people are being taken care of here.

As a result of the turn of events, it is a farce to rename the Committee on Governmental Affairs the committee on homeland security and governmental affairs. It is no such thing. It has jurisdiction over a small percentage of the employees of the Department and less than 40 percent of the budget.

Let me repeat that we didn't even give the proposed homeland security committee the jurisdiction over either the majority of the budget or the personnel of the Department.

When we return in November—maybe in January—I will seek to offer an amendment to restore the name of the Committee on Governmental Affairs. If we are not going to create a homeland security committee, let's not pretend that we are. Let's not pretend. Things have not really changed at all, in my opinion. I hope that what the Senate has done is reported across America, so that our constituents can see what we have done and tell us what a lousy job we did. Then maybe we can come back during the lameduck session in November and pass a reorganizing resolution that actually makes a difference and is guided solely by what is in the best interest of our country and not the best interest of each individual Senator.

A few years ago, the Committee on Governmental Affairs held a hearing at which the Comptroller General testified on the preparedness of the executive branch to meet the 21st century challenges facing America. I am reminded of that hearing and I ask, Is the Senate prepared to meet the challenges of the 21st century? Are we capable of making the changes necessary to meet both the great dangers and wonderful opportunities we have before us? These last few days would indicate that we are not.

Shame on the Senate, Mr. President. I yield the floor.

Ms. MIKULSKI. Mr. President, I support the proposed reform to strengthen our oversight of the intelligence community.

We just passed sweeping, historic legislation to reform America's entire intelligence community. It was a very good bill that will greatly strengthen our ability to develop good intelligence and fight terrorism.

The National Intelligence Reform Act fulfills what I consider the priorities for intelligence reform, including many reforms I have been fighting for: A strong National Intelligence Director to lead and manage the intelligence community. A National Counter Terrorism Center so we have unity of effort to combat terrorism. Information sharing so analysts can connect the dots. An Inspector General for the entire intelligence community. Strong alternative analysis or red-teaming. An ombudsman so our intelligence professionals can speak truth to power. And protection for civil liberties and privacy.

But reform of our intelligence community is only half the job. We must also reform our oversight of the intelligence community. As the 9/11 Commissioners said, reforming intelligence without reforming oversight is like one hand clapping.

The 9/11 Commission report says that, ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important.'' Our leaders gave this ''most difficult and important'' task to two of our most esteemed colleagues: Senator REID and Senator MCCONNELL. I thank them for their leadership. And thank the entire bipartisan working group. I thank them for their creativity, cooperation and consideration

to develop the substance of the proposal now before the Senate.

I support all three key recommendations of the bipartisan working group: to create an appropriations subcommittee for Intelligence; to strengthen the Select Committee on Intelligence; and to create a Homeland Security Committee. Let me talk about each of these recommendations.

The bipartisan working group proposal, and the rule we are now considering, will create an appropriations subcommittee for Intelligence. I believe this is one of the most important reforms we can make to strengthen Congressional oversight of the intelligence budget. That's why I wrote to Senator MCCONNELL and Senator REID urging them to do this.

Some of my colleagues point out that the 9/11 Commission recommended creating a combined authorization and appropriations committee for intelligence. But that was just one option mentioned in the 9/11 Commission Report.

The 9/11 Commission Report also included two provisions supporting an Intelligence Appropriations subcommittee:

The 9/11 Commission, on page 410 of its report, criticized the intelligence appropriations process, noting that ''the final budget review is handled in the Defense Subcommittee of the Appropriations Committees. Those committees have no subcommittees just for intelligence, and only a few members and staff review the requests.''

The 9/11 Commission included the following recommendation on page 416 of its report: ''Congress should pass a separate appropriations act for intelligence. . . .''

Governor Tom Kean, Chairman of the 9/11 Commission, supports creating an Intelligence Appropriations subcommittee. In the September 7, 2004 Intelligence Committee hearing, I asked him directly what he thought of my idea of an Intelligence Appropriations subcommittee. Chairman Kean said, ''I think that would be very much in my mind within the spirit of our recommendations.''

Creating an Intelligence Appropriations subcommittee is the best way to strengthen oversight of the intelligence budget. Appropriations subcommittees conduct rigorous oversight of the agencies they fund. Senator BOND and I certainly do for the agencies funded by our VA/HUD bill. An Intelligence subcommittee will make the Appropriations Committee's oversight stronger: intelligence will have the attention of a full subcommittee, and that subcommittee will have sufficient staff for real oversight of intelligence funding. I hope my colleagues will join me in strong support of the proposal to create an Intelligence Appropriations subcommittee.

The working group also recommends strengthening the existing Select Committee on Intelligence. I am proud to serve on the Intelligence Committee. I take that responsibility very seriously. Senator DASCHLE appointed me to the Committee in 2001, before the September 11th attacks. I have always used my role to push for reform and modernization so that we have the best possible intelligence for our decision-makers and our troops.

The bipartisan working group proposal maintains many of the good things about the way the Intelligence Committee is organized: Including members of the Armed Services, Appropriations, Foreign Relations and Judiciary Committees. Ensuring the majority has only a 1-vote advantage. Having subpoena authority. Having a core nonpartisan professional staff.

The rule would also strengthen the committee: Elevating it to an ''A'' Committee. Creating at least one subcommittee to strengthen oversight. Giving the committee a stronger role in reviewing civilian intelligence nominees. Creating designated staff positions for each member of the committee.

So I really think this resolution will help the Intelligence Committee to be more effective.

The third reform proposed by the bipartisan working group is to create a Homeland Security Committee. We know that our colleagues on the Government Affairs Committee did a good job with the creation of the Department of Homeland Security, so it's only logical that the current Governmental Affairs Committee would take on responsibility for homeland security. I believe it's important to make sure that other functions within the jurisdiction of Governmental Affairs do not lose out in this reform. I am thinking in particular of the Committee's work on government management and the Federal workforce, to ensure that we support our federal employees who serve the American people in so many ways.

Having an authorizing committee for homeland security should be a real help in the unfinished business of making the Department of Homeland Security an effective agency, to work with our States, counties, cities and towns, as well as other Federal agencies, to protect the American people.

The three reforms proposed by the McConnell-Reid working group, and codified as changes to the Senate Rules in this resolution, meet the challenge of the 9/11 Commission and our obligation to the American people to strengthen congressional oversight. That's why I intend to support the Resolution, and urge my colleagues to support it as well.

Mr. BAUCUS. Mr. President, I am very pleased that the Senate agreed, by unanimous consent, to an amendment that Senator GRASSLEY and I offered to S. Res. 445, the Senate intelligence reform resolution. Our amendment will preserve the jurisdiction of the Finance Committee over the commercial operations of what has historically been known as the United States Customs Service.

The United States Customs Service is one of the oldest agencies in the U.S. Government. It was created in 1789 to collect tariffs which, at that time, were the principal source of revenue funding the Federal Government.

Until 1816, the Senate had no standing committees. Senators established ad-hoc committees to consider specific bills. In his 1815 message to Congress, President Madison recommended a series of controversial economic measures, including tariff revisions and the creation of a second national bank. The Senate responded by creating the Select Committee on Finance and Uniform National Currency.

In his 1816 message, President Madison recommended a further series of economic measures. This time, the Senate responded by creating the Committee on Finance as a standing committee on December 10, 1816. Under the leadership of Chairman George Campbell, Democrat of Tennessee, the committee's very first task was to consider the Tariff Act of 1816. Other original members of the Finance Committee included Senators Chace of Vermont, Bibb of Georgia, King of New York, and Mason of New Hampshire.

Over the ensuing 188 years, the Finance Committee's jurisdiction has come to include not just tariff legislation, but all legislation related to international trade. Up until 1930, trade policy had been set primarily through Congressional establishment of tariffs, under the jurisdiction of the Finance Committee. When, however, the Smoot-Hawley Tariff of 1930 became associated with the Depression, Congress shifted its approach. As the new Roosevelt administration considered proposals to reduce tariffs, Secretary of State Cordell Hull suggested that, instead of reducing tariffs unilaterally, Congress authorize the President to negotiate reciprocal reductions.

When, in 1934, President Roosevelt endorsed this approach and sent it to Congress, the bill was referred to the Finance Committee. The bill was enacted into law as the Trade Act of 1934, establishing the basic model for trade policy ever since. As a result, the committee acquired jurisdiction not only over tariffs, but over a broad range of issues implicated by U.S. trade policy.

Throughout those 188 years, the Finance Committee has retained jurisdiction over the Customs Service. And, like that of the Committee, the mission of Customs has expanded to cover a range of trade issues.

Today, Customs continues to serve a revenue collection function. This year, it will collect nearly $25 billion in import duties, making it the second largest source of government revenue after the income tax.

In today's globalized world, however, Customs has also come to serve a vital role in facilitating trade and, through trade, the nation's economic well-being. For example, in fiscal year 2004, Customs will process approximately 28

million entry summaries, covering imports worth $1.36 trillion. That is more than 56,000 separate merchandise entries every day.

In fiscal year 2003, Customs made 6,500 seizures of goods, worth nearly $1 billion, that were imported in violation of the intellectual property rights of U.S. businesses and individuals.

Customs enforces the U.S. trade remedy laws, collecting $1.5 billion in antidumping and countervailing duties in fiscal year 2004.

In addition, Customs enforces country-of-origin labeling rules, blocks trade in endangered species and conflict diamonds, collects trade data widely relied upon in the government and private sector, fights child pornography, and issues hundreds of classification and valuation rulings every year. Thousands of American businesses and jobs depend on Customs to process imported inputs efficiently, so they can reduce production costs through just-in-time inventory systems.

Over time, Customs has also come to have a national security mission. Customs agents are often the first line of defense at the border. For example, it was a Customs agent who apprehended the so-called ''millennium bomber'' crossing the border from Canada into Washington State in December 1999.

Until recently, Customs was housed within the Department of the Treasury. Treasury was well-suited to oversee both the revenue collection and commercial facilitation functions of Customs, and to ensure that those functions were carried out in a manner calculated to advance the economic growth and well-being of the United States.

After September 11, 2001, however, things changed. We learned that day how important it is to ensure the strongest possible coordination among the many Federal Agencies charged with our domestic security.

In the Homeland Security Act of 2002, Congress moved the Customs Service from the umbrella of the Treasury Department into the new Department of Homeland Security.

The Customs Service, as such, no longer exists as a single entity. Rather, its many functions were divided among two parts of the Border and Transportation Security Directorate of the Department of Homeland Security—Customs and Border Protection and Immigration and Customs Enforcement.

When Congress created the Department of Homeland Security, there was widespread concern in the business community that moving Customs from Treasury—an agency whose principal mission is the health of the U.S. economy to a new agency principally concerned with national security would lead to a shift in Customs' focus away from trade facilitation—with adverse consequences for those businesses and for the economy as a whole.

For some agencies, this problem was solved by splitting the agency apart and moving to DHS only the people directly working on security issues. For example, this is what happened at APHIS. That solution did not work for Customs, because many Customs employees perform both commercial and security functions as part of their jobs.

Instead, Congress made Customs serve two masters. The employees of Customs were physically moved into the Department of Homeland Security. But the commercial functions of Customs remain under the policy control of the Treasury Department. Section 412 of the Homeland Security Act of 2002 expressly provides that ''authority related to Customs revenue functions'' that was previously vested in the Secretary of the Treasury ''shall not be transferred'' to the Secretary of Homeland Security.

There was some flexibility built into the law. That way, over time, the Secretary of Treasury could delegate some responsibilities to the Secretary of Homeland Security if experience demonstrated that a particular Customs function was more closely related to security than to trade facilitation.

As a practical matter, the result has been shared authority over Customs by Treasury and Homeland Security. Similarly, in the Senate, the result has been shared oversight by the Finance Committee and the Committee on Government Affairs. One committee focuses on homeland security issues and the other on commercial issues.

In response to the recommendations of the 9/11 Commission, the Senate is now engaged in a debate over how to reorganize our committee structure to provide stronger, more coherent oversight over issues related to homeland security.

In my view, the recommendations of the 9/11 Commission do not justify any changes in committee oversight jurisdiction of Customs. The Commission has recommended centralizing oversight over homeland security issues in one committee in each House. The clear purpose of that recommendation is to centralize oversight over homeland security functions, not over other functions that happen to be performed by individuals employed by the Department of Homeland Security.

The Grassley-Baucus amendment to S. Res. 445 ensures that the Finance Committee will retain the jurisdiction over the commercial facilitation functions of the Customs Service that the committee has held for nearly 200 years.

Everyone understands that in the post-9/11 world, the United States must vigilantly protect our borders. But while we do so, we must ensure that we do not overburden commerce with other Nations. We must strike a delicate balance between protecting the Nation's borders and promoting the nation's economic health. If we lose that balance, American businesses will suffer. So will our ports, because shippers will find it faster and less expensive to send their cargo through Canadian or Mexican ports.

I believe that granting jurisdiction over the business facilitation functions of the Customs Service to the Committee on Homeland Security and Government Affairs would inevitably lead to commercial considerations being discounted heavily in the name of security. That would hurt the U.S. economy in the long run.

On the other hand, retaining jurisdiction over the revenue and commercial functions of Customs in the Finance Committee in no way detracts from the ability of the new Homeland Security and Government Affairs Committee to oversee those functions of Customs that pertain to border security. Separating oversight of these two functions will guarantee that commercial concerns receive a full and fair airing in any debate involving both commerce and security.

So what are the functions over which the Finance Committee would retain jurisdiction under this amendment? Clearly, all the ''revenue functions'' defined in section 415 of the Homeland Security Act are included. These are generally functions that have virtually no security aspects to them—such as collecting tariffs, regulating country of origin labeling, or enforcing antidumping duty orders.

The amendment also preserves Finance Committee jurisdiction over ''any commercial function'' of CBP or ICE, ''including matters related to trade facilitation and trade regulation.''

For example, the Finance Committee would retain jurisdiction over all commercial aspects of the implementation of Customs' new computer system, the Automated Commercial Environment or ACE. ACE was conceived many years ago long before 9/11—as a way to create a paperless environment that reduces paperwork and delays for goods clearing Customs and enhances the efficiency of American businesses that depend on those goods.

ACE has security applications. It can be used to flag entries with suspicious documentation. And the Homeland Security and Government Affairs Committee can certainly look into those issues. But it is not, and never has been, primarily a security-focused project.

A second example is the issue of container security. Customs is engaged in a program of public-private cooperation with shippers to try to balance security concerns with incoming cargo containers and the economic concerns of shippers. Under this amendment, the Finance Committee would retain jurisdiction over the trade facilitation aspects of Customs' inspection and clearance of cargo containers.

Trade is critical to the health of the America economy. Exports alone accounted for 25 percent of U.S. economic growth between 1990 and 2000. Exports support an estimated 12 million jobs. Imports allow businesses and consumers more choice of goods and inputs and foster America's competitiveness in the global economy.

For these reasons, Congress has a responsibility to ensure that Customs continues to serve the needs of the business and trade community. That can only be achieved by safeguarding a balance between Customs' trade facilitation and homeland security functions. The Grassley-Baucus amendment promotes that balance.

AMENDMENT NO. 3995, WITHDRAWN

Mr. REID. Mr. President, earlier today there was a long deliberation and finally adoption of an amendment that had been earlier filed by Senator BAYH. It is my understanding that another amendment superseded that. That amendment is pending. It is No. 3995.

Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is withdrawn.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that, other than conforming and technical managers amendments, the only remaining first-degree amendments be the following, which are filed at the desk: COLLINS, NICKLES, HUTCHISON, FRIST, BINGAMAN-DOMENICI, and ROCKEFELLER.

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that it be in order to file timely second-degree amendments up until 9:15 tomorrow morning.

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

Mr. REID. Mr. President, the unanimous consent agreement that was adopted by the Senate a few minutes ago, we want to make sure the RECORD is clear that when we talk about COLLINS, NICKLES, HUTCHISON, FRIST, BINGAMAN, and ROCKEFELLER, we are talking about one amendment per member, and I want the RECORD to reflect that.

The PRESIDING OFFICER. The RECORD will so reflect.

Mr. REID. 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. 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.

MORNING BUSINESS

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

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

JUSTICE THROUGH DNA TECHNOLOGY

Mr. HATCH. Mr. President, I would like to discuss H.R. 5107, the Justice for All Act that was just passed by the House, by an overwhelming bipartisan vote of 393 to 14. The bill is the result of the hard work and dedication of many on both sides of the aisle.

In particular, I would like to commend Chairman of the House Judiciary Committee SENSENBRENNER and Ranking Democrat, Representative DELAHUNT for their outstanding leadership in shepherding this groundbreaking crime bill that will allow us to further unleash the evidentiary power of DNA. It will provide law enforcement the ability to find and punish the guilty and give use the comfort of certainty in criminal prosecutions. Moreover, the House attached Senator KYL'S and Senator FEINSTEIN'S critical Crime Victims Act that ensures victims' rights are protected in criminal prosecutions. That is very important.

This House passed bill is the result of months of intense negotiations and addresses the concerns raised regarding title III of the former DNA bill, including the major concerns, I believe, of Senators KYL, SESSIONS, and CORNYN.

And let me say, the overwhelming support for this bill in the House could not have been achieved without the hard work and dedication of the Department of Justice. I would like to specifically thank Attorney General Ashcroft, Assistant Attorney General William Moschella, and Deputy Assistant Attorney General Sean McLaughlin for bringing the parties together to create a truly bipartisan bill that meets the interests of all parties. Without their constructive input we would have never been able to get to where we are. I personally want to thank them for their support.

But our work is not done. I call upon the Senate to act expeditiously to pass this anticrime bill so we can present it to the President for his signature.

So we all know, there has been a tremendous amount of work done in the 22-page memorandum by Mr. Moschella and the Justice Department. I think we have made a monumental effort to address every one of those concerns. We haven't been able to address every case exactly the way the Justice Department requested, but there has been a good-faith effort on the part of the distinguished Senator from Vermont and Congressman DELAHUNT to be able to bring this Justice for All Act through to completion.

When it passed 393 to 14 yesterday in the House, I think that sent a message to everybody that not only would we get this DNA bill, but we would also get the victims' rights bill for which Senators KYL and FEINSTEIN have worked so long and hard.

Rather than take the time of my distinguished friend from Arizona and any further time from the bill on the floor, I want to compliment the Justice Department.

I hope we can get the last few things resolved so that this bill can pass, and that means working it out with a few of our colleagues in the Senate. I believe when they look at this bill and read it, they will realize almost every one of those concerns have been addressed in good faith. Senator LEAHY and I have worked hand in hand trying to make sure those matters were addressed.

Mr. President, I hope we can get this bill up and out so we can do what should be done for 400,000 rape kits—some of which are 20 years old—to help not only to discover those who are guilty but to put those who are on the streets, who have raped women, in jail where they belong. This bill will do exactly that. It is a very important piece of legislation.

Having said that, however, I want to make it clear that this administration has done a great deal. Thus far, it has committed to doing this, and it is the first administration that has done it. We have known about these rape kits for years. This is the final touch in the bill to help protect women in this country. It will be very important for us to pass it today. I hope we can get it done.

We are working very diligently to try to satisfy the concerns of all of our colleagues. Thus far, we are down to just one major concern, and hopefully when they read the bill they will realize we have addressed that as well and will agree to satisfy this matter.

I thank my colleague from Arizona and my colleague from Kentucky.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, a year ago this month, I stood with a bipartisan group of Senators and Representatives to announce the introduction of the Advancing Justice Through DNA Technology Act of 2003. This is landmark legislation. It provides law enforcement with the training and equipment required to effectively and accurately fight crime in the 21st century. It enacts the President's DNA initiative, as the Chair probably knows, authorizing more than $1 billion over the next 5 years to eliminate the backlog crisis in the Nation's crime labs and fund other DNA-related programs. It also includes the Innocence Protection Act, a death penalty reform effort I launched more than 4 years ago.

We introduced our bill on October 1, 2003. One month later, the House passed it with overwhelming support, 357 to 57. Among those supporting the bill were the chairman of the House Judiciary Committee, Congressman JAMES SENSENBRENNER, and virtually the entire Republican leadership, including Majority Leader DELAY. Clearly there was a broad consensus for action. The House vote marked a major breakthrough in finding solutions to these serious flaws in our criminal justice system.

Unfortunately, while the other body acted, we did not. Despite Chairman HATCH's sponsorship of the bill and strong support of it, the Senate Judiciary Committee did not begin work on

the bill until September, almost a year after the House had passed it. At that point we were slowed by resistance from some Republican members of the panel, but after many hours we succeeded in working through the 20-plus amendments that were offered. All of them were rejected. Then the bill was approved by a strong bipartisan majority.

That was 3 weeks ago. Since then, this critical legislation has been blocked by the same Senators who tried blocking it in committee, and unfortunately they have been buttressed by opposition from President Bush and Attorney General John Ashcroft.

Undeterred by the fact that the Senate has not moved on this very important legislation, the House acted again. Yesterday it voted on the Justice For All Act of 2004, H.R. 5107. This is a criminal justice package that bundles the Senate DNA bill with another bill, already passed in the Senate, that would increase protection for victims of Federal crimes. Yesterday's House margin, 393 to 14, was even larger than it was a year ago. In these times you rarely see such bipartisan support—393 to 14. I believe it sends a loud message to us here in this body of: What are we waiting for? Let's pass this bill.

I want to take a moment to commend the Republican chairman of the House Judiciary Committee, JIM SENSENBRENNER, who spearheaded this effort in the House. The chairman deserves high praise for his leadership. We could never have come as far as we have without his steadfast commitment, and the hard work of his impressive staff.

I also thank my long-term colleagues in this effort, Representative BILL DELAHUNT from Massachusetts—I was honored to serve overlapping time as prosecutors, me in Vermont, Mr. DELAHUNT in Massachusetts—and Representative RAY LAHOOD, Republican of Illinois. They worked tirelessly over many years to pass the Innocence Protection Act. They deserve much of the credit for building the strong bipartisan support for the bill in the House.

The House has spoken, not once but twice. I believe Senate action is long overdue. It should not be threatened by a few holdouts in the Senate, even if they are emboldened by continuing help from the Department of Justice. I remind everybody, none of us here works for the administration—I don't care whether it is a Republican administration or a Democratic administration. We are elected as individual Senators, independent of the executive branch or the judicial branch.

The Bush administration's role in the effort to kill this bill is significant and it is a matter of public record. On April 28 of this year we received a 22-page letter from Assistant Attorney General William Moschella, presenting ''the views of the Department of Justice and the administration'' regarding the bill the House of Representatives had earlier passed by a vote of 357 to 67. They expressed the Administration's strong opposition to virtually every aspect of the bill.

I have rarely seen a letter—in fact, I cannot remember a time I have seen a letter from an executive branch agency so hostile to a bipartisan legislative effort that had already passed one House of Congress. I was shocked the Department would write such a scathing letter about a bill that had been carefully negotiated by Chairman SENSENBRENNER and Chairman HATCH, working very closely together. In light of the support of the congressional leadership, I thought the President would have supported the bill and worked to make the capital punishment system more fair. Instead, his Administration chose to stonewall the reforms and defend the injustices in current law.

The new House bill contains additional concessions to the Department of Justice and to the handful of Republican opponents in the Senate. But despite these concessions, despite the urgent need for reform, the Bush administration has obstinately refused to support the bill or even to withdraw its formal opposition to the bill. In particular, the Department has pressed its unreasonable demand for an arbitrary 3-year time limit on obtaining a DNA test after conviction.

If the White House kills this bill that has passed so overwhelmingly in the House, it will be a travesty. It has, after all, been supported by key members of the Republican leadership in both the House and the Senate; it has passed by an overwhelming margin in the House. To put this off another year may seem fine to the President and the Attorney General, but another year is a long time if you are a crime victim and you are hoping they may find the person who committed the crime, or if you are wrongly accused and you are waiting on death row for the chance to prove your innocence. Another year will pile more untested rape kits on to the thousands already piled up in labs across the country.

This bill is a rare example of bipartisan cooperation for a good cause, and instead of helping, the White House has actively hindered. They have been unwilling to lead. They have been unwilling to follow. Now, when all it would take is for them to get out of the way, they are even unwilling to stand aside.

I think it is time for them to understand what is happening here, and to become part of the solution instead of part of the problem. An overwhelming bipartisan coalition in both the House and the Senate supports this bill because it will mean more fair and effective criminal justice in this country.

If Congress fails to enact this much-needed law this year, I do not lay the blame on leadership in the House or the Senate, because the leadership in both parties has supported it, just as Senator HATCH and Chairman SENSENBRENNER have. If the Congress fails to enact this law this year, then I lay the responsibility directly at the feet of President Bush and Attorney General Ashcroft. They deserve to be held accountable, and will be if their stubborn opposition to the bill causes it to die. The leaders of their own party support it, as the leaders of my party do. They ought to stand aside.

For all those victims' groups, all those church groups, all the others who have supported this bill—as you know, if it doesn't go forward, it is not the fault of Congress. You should look down toward the other end of Pennsylvania Avenue.

Mr. President, I ask unanimous consent to print a longer statement in the RECORD.

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

JUSTICE FOR ALL ACT OF 2004

October 7, 2004

A year ago this month, I stood with a bipartisan group of Senators and Representatives to announce the introduction of the Advancing Justice Through DNA Technology Act of 2003. This landmark legislation provides law enforcement with the training and equipment required to effectively, and accurately, fight crime in the 21st Century. It enacts the President's DNA Initiative, which authorizes more than $1 billion over the next five years to eliminate the backlog crisis in the Nation's crime labs, and to fund other DNA-related programs. It also includes the Innocence Protection Act, a death penalty reform effort I launched more than four years ago.

DNA is the miracle forensic tool of our lifetimes. It has the power to convict the guilty and to exonerate the innocent. And as DNA testing has become more and more available, it also has opened a window on the flaws of the death penalty process.

Hearing after hearing before the House and Senate Judiciary Committees has shown beyond any doubt that the death penalty system is broken. These mistakes in our system of justice carry a high personal and social price. They undermine the public's confidence in our judicial system, they produce unbearable anguish for innocent people and their families and for the victims of these crimes, and they compromise public safety because for every wrongly convicted person, there is a real criminal who may still be roaming the streets. Indeed, in dozens of cases in which DNA testing has exonerated a wrongfully convicted person, the same test has identified the real perpetrator.

Our bill would put this powerful tool into greater use in our police departments and our courtrooms. It also takes a modest step toward addressing one of the most frequent causes of wrongful convictions in capital cases—the lack of adequate legal counsel.

BROAD BIPARTISAN SUPPORT IN CONGRESS AND AROUND COUNTRY

We introduced our bill on October 1, 2003. One month later, the House passed it with overwhelming support—357 to 57. Among those supporting the bill were the Chairman of the House Judiciary Committee, Congressman James Sensenbrenner, and virtually the entire Republican leadership, including Majority Leader DeLay. Clearly there was a broad consensus for action. The House vote was a major breakthrough in finding solutions to the serious flaws in our justice system.

Sadly, the House acted, but the Senate did not. Despite Chairman Hatch's sponsorship of the bill, the Senate Judiciary Committee did not begin work on the bill until September, almost a year later. At that point,

we were slowed by resistance from three Republican members of the panel. After many hours, we succeeded in working through the 20-plus amendments that were offered—all of which were rejected—and the bill was approved by a strong bipartisan majority.

It speaks volumes about the opposition to this bill that one of the amendments offered in Committee sought to strike the Innocence Protection Act in its entirety. Our opponents want law enforcement to use DNA aggressively to fight crime, and so do I. But they do not want to let those who are wrongly convicted use DNA to prove their innocence. That is wrong. DNA can convict the guilty, but it can also exonerate the innocent. It should be available for both purposes.

That is why victims groups support the whole package of reforms in this bill. They do not want the wrong guy locked up while the real rapist or murderer is out committing other crimes. Throughout the Committee's consideration of this bill, there were two fixtures in the room—Kirk Bloodsworth and Debbie Smith. Kirk was exonerated by DNA testing. In Debbie's case, DNA testing led to the arrest and conviction of her attacker. Both support the whole bill.

The Committee reported the bill to the full Senate three weeks ago. Since then, this critical legislation has been blocked by the same three Republican Senators who held up the bill in Committee, buttressed by opposition from President Bush and Attorney General John Ashcroft.

This week, the House has acted again. It voted yesterday on the Justice For All Act of 2004, H.R. 5107, a criminal justice package that bundles the Advancing Justice Through DNA Technology Act with another bill, already passed in the Senate, which will increase protections for victims of Federal crimes. Wednesday's House margin—393 to 14—was even larger than the vote a year ago, and sends a loud and clear message to the Senate: ''Pass this bill!''

I want to take a moment to commend the Republican Chairman of the House Judiciary Committee, Jim Sensenbrenner, who has spearheaded this effort in the House. Chairman Sensenbrenner deserves high praise for his leadership. We could never have come as far as we have without his steadfast commitment and the hard work of his impressive staff.

I also want to thank my longtime colleagues in this endeavor, Representative Bill Delahunt of Massachusetts and Representative Ray LaHood of Illinois. They have worked tirelessly over many years to pass the Innocence Protection Act, and deserve much of the credit for building the strong support for the bill in the House.

The House has now spoken not once, but twice. Senate action is long overdue. Sadly, Senate passage in the waning days of this congressional session continues to be threatened by a few holdout Republicans, emboldened by continuing opposition from Department of Justice.

INACTION HAS REAL CONSEQUENCES

While Congress has failed to act, much has happened in the real world. Over the last year, five more wrongfully convicted individuals were cleared of the crimes that sent them to death row, bringing to 116 the number of death row exonerations since the reinstatement of capital punishment. Also in the past year, another 10 wrongfully convicted individuals were exonerated by DNA testing in non-capital cases. That brings to 151 the number of post-conviction DNA exonerations in this country in little over a decade.

What else has happened in the real world? Just last week, Houston's top police official called for a moratorium on executions of inmates who were convicted based on evidence that was handled or analyzed by the Houston Police Department's crime lab. In a floor statement in March 2003, I described the widespread problems at that lab, which included poorly trained technicians, shoddy recordkeeping, and holes in the ceiling that allowed rain to possibly contaminate samples. It turns out that the situation is even worse than previously imagined.

In May, the Republican Governor of Texas pardoned Josiah Sutton, who spent 4½ years in prison for a crime that he did not commit. He was only a teenager when he was convicted and sentenced to 25 years for rape, based largely on a bogus DNA match by the Houston police lab. More recently, Houston's district attorney admitted that chemical testing used to convict another man was inaccurate. That was after six forensic experts concluded that the lab's analysis of DNA evidence in the case was ''scientifically unsound.''

The situation in Houston is appalling but it is not without precedent. There have been similar problems in various State crime labs, as well as in the once-distinguished FBI lab. Crime labs across the country are suffering the consequences of years of increased demand and decreased funding.

One consequence is sloppy lab work. Another consequence is massive backlogs. In December 2003, the Department of Justice estimated that there were more than 500,000 criminal cases with biological evidence awaiting DNA testing. This estimate included 52,000 homicide cases and 169,000 rape cases. Ten months later, the situation has only gotten worse. While the Senate has been idle on this bill, rape kits and other crime scene evidence has been sitting on shelves, untested for lack of funding. This bill would authorize the funding that our labs so desperately need.

BUSH ADMINISTRATION'S REPEATED ATTEMPTS TO SABOTAGE BIPARTISAN INITIATIVE

The Bush Administration's role in the effort to kill this bill is a matter of public record. On April 28 of this year, we received a 22–page letter from Assistant Attorney General William Moschella presenting ''the views of the Department of Justice and the Administration'' regarding the bill that the House of Representatives had earlier passed by a vote of 357 to 67. The letter expressed the Administration's strong opposition to virtually every aspect of the bill.

I have rarely seen a letter from an Executive branch agency so hostile to a bipartisan legislative effort that had already passed one house of Congress. I was shocked that the Department would write such a scathing letter about a bill that had been carefully negotiated by Chairman Sensenbrenner and Chairman Hatch. In light of the support of the Republican congressional leadership, I expected that the President would support this bill and work to make the capital punishment system more fair and effective. Instead, he chose to stonewall reform and defend the injustices in current law.

The Justice Department's criticisms of the bill are all unfounded. Let me respond to just a few of the key claims in the Department's April 28 letter.

The Department claimed that the post-conviction DNA testing provisions in the bill would invite abusive prisoner litigation. In fact, the bill includes numerous checks against frivolous litigation, including the following: An applicant seeking a test must assert his ''actual innocence'' under penalty of perjury; The applicant must not have waived the right to DNA testing, or knowingly failed to request DNA testing in a prior post-conviction motion; A chain of custody must be established; The proposed DNA testing must be reasonable in scope; The applicant must identify a theory of innocence not inconsistent with any affirmative defense presented at trial; Testing may be ordered only if it could produce ''new material evidence'' and raise a reasonable probability that the applicant did not commit the offense; And the bill establishes serious sanctions, including new criminal charges, if DNA testing produces inculpatory results.

The Department argued that the bill should bar post-conviction DNA testing unless DNA technology was ''unavailable'' at the time of the defendant's trial. But witnesses at House and Senate hearings on the bill reported numerous examples of defendants failing to request DNA testing despite its availability at the time of trial because the defense lawyers were incompetent or unfamiliar with the technology, the defendant was mentally ill or retarded, or the defense was simply unaware of the evidence, perhaps due to government misconduct.

The Department complained that the bill would allow prisoners who pleaded guilty to obtain a DNA test. But witnesses at the hearings told Congress of the startling fact that innocent defendants sometimes do plead guilty, due to bad lawyers, mental retardation, or government intimidation. David Vasquez in Virginia, Frank Townsend in Florida, and Chris Ochoa in Texas are just three examples of this disturbing phenomenon.

The Department claimed that the evidence retention requirements in the bill were unduly burdensome. In fact, we took every precaution to make sure that these requirements would not pose an undue burden to law enforcement. Only biological evidence must be preserved. Evidence need not be preserved if the court denies a request for testing, the defendant waives testing, or 180 days pass after the defendant receives notice that the government intends to destroy the evidence. If evidence would be impractical to retain, the government need only take reasonable measures to preserve a portion of the evidence. Finally, the failure to retain evidence does not provide grounds for habeas corpus relief.

The Department claimed that the counsel provisions in the bill amounted to a Federal regulatory system for capital defense. That characterization is grossly unfair. The Capital Representation Improvement Grants authorized in the bill are strictly voluntary. States are under no obligation to participate. At House and Senate hearings on the bill, witnesses enumerated numerous studies over 20 years that document the failure of many States to provide competent counsel in capital cases. In light of these long-standing flaws, it is entirely appropriate for the Federal government to offer financial assistance to those States that seek it.

The Department claimed that the agencies responsible for appointing capital defense lawyers would have limitless resources. This criticism is unsupported and contrary to the experience in states like North Carolina and New York that have established independent defense entities which operate within a budget.

If the White House kills this bill it will be a travesty. Putting this off another year may seem fine to the President or the Attorney General, but another year is a long time if you are a crime victim or if you are wrongly accused, waiting on death row for the chance to prove your innocence. Another year will pile more untested rape kits on to the thousands already piled up in labs across the country.

This bill is a rare example of bipartisan cooperation for a good cause, and instead of helping, the White House has actively hindered. They have been unwilling to lead.

They have been unwilling to follow. Now, when all it would take is for them to get out of the way, they're even unwilling to stand aside. The time has come for the President to understand what is happening here, and to become part of the solution instead of part of the problem.

BUSH ADMINISTRATION IGNORES EFFORTS TO COMPROMISE

This bill is the product of years of work and many months of intense negotiations. It reflects a lot of compromises by all the principal sponsors. None of us is entirely happy with everything in the bill. There are plenty of things that I would do differently. There are plenty of things that Senator Hatch and other cosponsors would do differently. Nobody got everything they wanted.

But that is why the bill has such broad bipartisan appeal. That is what the legislative process is all about—finding the middle ground that a broad majority can support. That is why 393 members of the House support this bill, and why a substantial majority of the Senate would vote for it if our opponents would allow it to come to a vote.

The new House bill reflects a number of additional concessions to the Department of Justice and to our Republican opponents in the Senate. Let me briefly describe just a few of the changes that were made.

First, to address concerns raised in Committee by Senator Sessions and others, the Debbie Smith DNA Backlog Grant Program now authorizes the use of grant funds to address non-DNA forensic science backlogs, but only if the State has no significant DNA backlog or lab improvement needs relating to DNA processing.

Second, the bill no longer prevents States from uploading arrestee information into their own DNA databases, although they must expunge such information if the charges are dropped or result in an acquittal.

Third, the standard for getting post-conviction DNA testing has been streamlined by striking unnecessary language that required courts to assume exculpatory test results. Obviously a court considering such an application cannot know for sure what the test results would reveal and must consider the application in a light most favorable to the applicant in light of all the evidence.

Fourth, the bill no longer permits Federal inmates to obtain DNA testing of evidence relating to a State offense, except when that offense may have resulted in a Federal death sentence.

Fifth, it is now presumed that a motion for post-conviction DNA testing is timely if filed within five years of enactment of the bill, or three years after the applicant was convicted, whichever is later. Thereafter, it is presumed that a motion is untimely, except upon good cause shown. The Department has complained that the ''good cause'' exception is so broad you could drive a truck through it, and its continued opposition turns in large part on the inclusion of this language. But while I agree that the language is broad, it is intentionally so; I would not agree to a presumption of untimeliness that could not be rebutted in most cases. At the same time, this provision should allow courts to deal summarily with the Department's hypothetical bogeyman—the guilty prisoner who ''games the system'' by waiting until the witnesses against him are dead and retrial is no longer possible, and only then seeking DNA testing.

Sixth, modifications were made to the standard for obtaining a new trial based on an exculpatory DNA test result; instead of establishing by ''a preponderance of the evidence'' that a new trial would result in an acquittal, applicants must now establish this by ''compelling evidence.'' The point of this change, which I proposed, is to require courts to focus on the quality of the evidence supporting an applicant's new trial motion rather than trying to calculate the odds of a different verdict.

Finally, the bill now specifies that 75 percent of funds awarded under the new capital representation improvement grant program must be aimed at improving trial counsel, unless the Attorney General waives this requirement. This change was included to assuage concerns that this program will somehow resurrect the post-conviction resource centers that Congress de-funded in the mid-1990s.

With few exceptions, these most recent changes to the bill were made at the behest of the Department of Justice, after weeks of negotiations aimed at securing the Department's endorsement of the bill. Yet despite the changes, and despite the urgent need for reform, the Bush Administration has obstinately refused to support the bill or even to withdraw its formal opposition to the bill. As Chairman Sensenbrenner has said, we ''bent over backwards'' to try to satisfy the Department's concerns, but ''no matter how much we bent, nothing could satisfy them.'' In particular, the Department pressed its unreasonable demand for an arbitrary three-year time limit on obtaining a DNA test after conviction.

Let us be clear what this means. A DNA test is not a get-out-of-jail-free card; it does not even guarantee someone a new trial. All this is about is providing access to evidence in the government possession for purposes of forensic testing. Judge Michael Luttig, one of the most conservative jurists in the country, has written that this is nothing less than a constitutional right. Senator Specter took the same position in the last Congress. A large majority of the States that have passed post-conviction DNA testing laws have rejected time limits, recognizing, as I do, that there should never be a time limit on innocence.

The reforms proposed in the Justice for All Act will mean more fair and effective criminal justice in this country. The few remaining opponents of the bill still wave around the April 28 letter from the Department of Justice. If Congress fails to enact this needed law this year I lay responsibility directly at the feet of President Bush and Attorney General Ashcroft. They deserve to be held accountable if their stubborn opposition to the bill causes it to die.

NATIONAL INTELLIGENCE REFORM BILL

Mr. SARBANES. Mr. President, I rise today to express my pleasure that yesterday the Senate incorporated an important amendment I authored with my colleagues, Senators BINGAMAN and HARKIN, into the National Intelligence Reform Act of 2004. Our amendment strengthens Congress's role in protecting our civil liberties as we move forward with the reform of our intelligence structure. The randomness of the terrorist acts of September 11, and the relative ease with which they were perpetrated, exposed serious gaps and deficiencies in our intelligence and security systems. In the aftermath of those attacks, we established the 9/11 Commission, which through its seminal report and recommendations has helped to clearly identify critical problem areas and recommend solutions to remedy them. And now, through this National Intelligence Reform Act, we are working to implement these recommendations in a way that strengthens the intelligence infrastructure and increases synergy and coordination within our intelligence community.

But in the aftermath of September 11—in our vigilance to protect against future attacks and to comprehensively overhaul our intelligence system—we run the risk of enacting procedures that could diminish or overrun our civil liberties. The Commission recognized this risk and in one of its most important recommendations has wisely suggested the establishment of a civil liberties oversight board within the executive branch. In the spirit of that recommendation the authors of the underlying bill have provided for such a board whose purpose it is to continuously review the impact on civil liberties of intelligence gathering initiatives and operations devised under the new National Intelligence Program, NIP. To that end, the board will be charged with reviewing new proposals under the NIP, advising on the civil rights implications of those proposals, and determining whether proposals will expand powers at the expense of our civil liberties.

The question arises, however, as to what the board can do with a finding that a violation has occurred. Under the bill as currently drafted the Board is not authorized to intervene or put any stopgaps in place through the legislative or regulatory process. I recognize that the intelligence community must have the ability to implement its proposals and operations with a level of flexibility and expedience. But, I also recognize that the board must have the ability to check initiatives that infringe on our most sacred constitutional rights. Our amendment strikes a balance between these two goals by making Congress aware of specific instances in which the board has significant concerns about a given proposal's adverse effect on civil liberties. Specifically, this amendment requires that the board include, within its biannual reports, a detailed accounting of each time the board finds that: No. 1, a proposal to create a new means of gathering intelligence will unnecessarily infringe on civil liberties; and No. 2, that finding is not adequately addressed by those implementing or creating the means.

By receiving this information, Congress will be able to keep pace with the implementation of national intelligence reform as well as provide guidance on ways to refine and calibrate new intelligence gathering initiatives so that we balance security interests with constitutional rights. In short, the amendment provides Congress the information it needs to accomplish a critical part of its oversight function, ensuring that while we work to keep our country safe we also safeguard the constitutional freedoms upon which it was founded. Again, I thank the managers for including this important

amendment in the underlying legislation.

PUBLIC DIPLOMACY

Mr. BAYH. Mr. President. I commend the Senator from New York for her work on the section of the McCain-Lieberman-Bayh-Specter amendment to the 9/11 legislation that addresses education in the Muslim world. The provision commits the United States to taking a comprehensive approach to universal basic education in Muslim countries and requires our government to develop a cooperative plan to achieve this visionary goal. The 9/11 Commission understood that expanding education that emphasizes moderation, tolerance and the skills needed to compete in the global economy in these countries will create an alternative to hate and will show that the United States is committed to expanding opportunity in countries where we are often competing with our enemies for hearts and minds. It is only through a long-term public diplomacy strategy that we will win the war on terrorism, and modern education is a foundation of that effort. I would like to thank Senator CLINTON for her assistance in drafting the education provisions in this bill We could not have achieved such a comprehensive approach to education without her involvement, and we appreciate her efforts.

Mrs. CLINTON. I would like to thank Senator BAYH, along with Senators MCCAIN, LIEBERMAN and SPECTER, for stepping forward to ensure that the 9/11 Commission's recommendations on education become a key part of our Nation's anti-terrorism strategy. As you know, I have introduced legislation to promote universal basic education in all of the world's developing countries by 2015. I am pleased that the Senators forging this bipartisan bill have accepted many of these recommendations, including creating, for the first time, a strategy to promote universal basic education in the Middle East and other significantly Muslim countries. The bill also encourages countries to come forward with strong national education plans for quality universal basic education and directs our efforts at providing support for such crucial systemic reform. The provisions included in this 9/11 bill represent an important step toward the goal of universal basic education. I want to thank all the leaders on this amendment for working with me on this issue, and I appreciate their leadership on this bill.

PRIVACY AND CIVIL LIBERTIES

Mr. LEAHY. Mr. President, yesterday, we passed an important bill granting enormous additional authority and tools to the government to fight terrorism. We authorized the creation of a vast information sharing network that will allow officials throughout the U.S. government to search databases containing extensive data about American citizens. We also gave broad authority to implement new technologies, standardize identification documents and enhance border security. These are great powers that, as the Commission noted, will have substantial implications for privacy and civil liberties.

This bill was also notable because it balanced this grant of power with the creation of a Privacy and Civil Liberties Oversight Board. I thank Senator LIEBERMAN for including this Board as part of the National Intelligence Reform Act, and for working with Senator DURBIN, me and others to make sure the Board had the necessary authority, mandate and tools to ensure that civil liberties and privacy are safeguarded as we enhance our antiterrorism policies and tools.

Mr. LIEBERMAN. I have been pleased to work with Senator DURBIN, Senator LEAHY and others in creating a Privacy and Civil Liberties Board that is in keeping with the Commission's recommendation. The Commission recommended that we create an entity that could ''look across the government at the actions we are taking to protect ourselves to ensure that liberty concerns are appropriately considered.'' Senator COLLINS and I appreciated the contributions of members of the Judiciary Committee. Their longstanding expertise in these issues was very helpful to us in shaping the key provisions of the Board.

Mr. LEAHY. We all recognized that we were giving this Board substantial responsibility. Given the enormous powers we were granting the government, we needed a Board capable of counter-balancing these powers. But we also know that this does not end our duty.

Mr. LIEBERMAN. I agree. Accountability for this Board is essential. As the 9–11 Commission stated, ''strengthening congressional oversight may be among the most difficult and important'' of our recommendations. We cannot assign the Board such significant responsibilities without regularly reviewing its progress to ensure that its mandates are being met. We have an obligation to exercise vigorous oversight of its actions.

Mr. LEAHY. The Judiciary Committee and the Governmental Affairs Committee have a shared history of working together to preserve privacy and civil liberties, and to promote open and accountable government. Our committee members have developed substantial expertise and experience in these areas, and we have a duty to continue to oversee these concerns. I thank the distinguished Ranking Member of the Governmental Affairs Committee for working with us to ensure that the Board's work on privacy and civil liberties matters be under the jurisdiction of both these committees so that we can continue to provide effective oversight.

Mr. LIEBERMAN. I agree that joint jurisdiction over the Board's work on privacy and civil liberties matters is the most effective and appropriate way to take advantage of our shared expertise and experience. I thank the Ranking Member of the Judiciary Committee for his commitment and dedication to fighting for the rights and liberties that make this country worth preserving. As the Commission stated, ''[w]e must find ways of reconciling security with liberty, since the success of one helps protect the other.''

Mr. KYL. Mr. President, I ask unanimous consent that two letters, which I sent to 9/11 Commission member Slade Gorton, be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 13, 2004.

Hon. SLADE GORTON,
Member, National Commission on Terrorist Attacks Upon the United States, Washington, DC.

DEAR SLADE: Thank you for sending me the two 9/11 Commission staff statements in response to my April 23 letter to you about the visa-processing policies of the State Department. As you and the other Commissioners prepare to write your final report, I offer what I hope will be taken as constructive criticism of the statements.

What the Commission staff did not note is the most important point of all: if the law had been followed, at least 15 of the 19 9/11 terrorists would not have been in the country on September 11. The visa applications of the hijackers were so flawed that no reasonable person could have believed that they met the standards for entry imposed by the law for all visa applicants. Making matters worse, no matter how deficient the paper applications, most of the Saudi applicants were granted visas without an oral interview, clearly contrary to both the spirit and intent of the law, which makes clear that applicants for nonimmigrant visas are considered ineligible for a visa until they prove their own eligibility. In other words, our law creates a presumption against granting the visa by putting the burden of proof on the applicant.

Under Section 214(b) of the Immigration and Nationality Act an alien applying to enter the U.S. shall be ''presume[d] to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for admission, . . . that he is entitled to a nonimmigrant status.'' In other words, the law is intentionally designed to force applicants to prove eligibility for a nonimmigrant visa. For Saudi nationals, however, visas were all but guaranteed to be issued—directly in conflict with the spirit and intent of the law.

All 15 of the Saudi's applications contained inaccuracies or omissions that should have prevented them from obtaining visas; and, despite initial indications by the State Department that almost all of the Saudi applicants had been interviewed, only two of the 15 Saudi applicants were interviewed by State.

The errors in the applications weren't trivial mistakes, such as punctuation or spelling. Visas were granted to young, single Saudi males who omitted fundamental information such as: means of financial support (and it appears none of the 15 hijackers whose applications survived provided supporting documentation), home address, and destination or address while in the U.S. The October 28, 2002 National Review article by Joel Mowbray, ''Visas for Terrorists: They were ill-prepared. They were laughable. They were approved,'' provides the details about these mistakes.

In his article, Mowbray writes that, ''For almost all of the applications, the terrorists

filled out the 'Present Occupation' field with 'Student.' Salem al Hamzi boldly wrote 'unemployed,' while Khalid al Mihdhar described himself as a 'businessman.' Only on three forms was the area marked 'Name and Address of Present Employer or School' even filled out. In answering the question, 'Who will furnish financial support,' most of them listed 'Myself,' while the rest cited family—despite a complete failure in most applications to demonstrate the requisite financial means.'' Mowbray goes on to write, ''Unclear destination in the United States. On the visa form, the applicant must identify the address where he will be in the United States . . . But, only one of the 15 applicants lists an actual address, with the rest stating locations . . . such as 'California,' 'New York,' 'Hotel.' Not one of these woefully lacking answers warranted so much as a correction by a consular officer, let alone an outright denial.''

Allowing for such incomplete attention to the visa applicants was not uncommon practice in the State Department, particularly in Saudi Arabia. The GAO's October 2002 report, ''Border Security: Visa Process Should be Strengthened as Antiterrorism Tool,'' said, ''At some posts we visited, [consular officers] faced pressures to issue visas.'' In its report the GAO concluded, ''A lack of clear guidance . . . resulted in wide discrepancies among posts in the level of scrutiny of visa applications and in factors used to refuse visas to questionable applicants.'' In fact, the State Department's written guidelines and resulting practices, as outlined in the GAO report, allowed for widespread discretionary adherence among consular officers in adhering to the burden of proof requirements included in Section 214(b). As stated in the GAO report, the State Department's ''Consular Best Practices Handbook'' gave consular managers and staff the discretion to:

''waive the personal appearance and interviews for certain nonimmigrant visa applicants, and give the authority to use third parties, such as travel agencies, to help persons complete application. The written guidance did not specify what documentation, if any, consular managers or officers needed [to provide] support about their decisions to waive personal appearances or interviews.''

This is exemplified by then-Assistant Secretary for Consular Affairs Mary Ryan's cables and other written notices to embassies telling them that eliminating the visa process wherever possible was ''a very worthy goal,'' and the State Department's design and implementation, under her watch, of ''Visa Express,'' which formalized lax, expedited visa policies for the first and only time for an entire nation, Saudi Arabia.

Mary Ryan believed in the importance of interviews, but not for purposes of screening out those who shouldn't be receiving visas. She wrote in a 2001 cable, ''When it comes to judging credibility, there is simply no substitute for a personal interview.'' Sounds good, but Ryan's emphasis was on admitting more people. She went on to write, ''Consular officers should avoid keeping out 'qualified aliens'' who appeared weak on paper but could have overcome [that appearance] with a strong showing of credibility.'' Mary Ryan explains further that the intent of Consular Affair's policy is to ''permit a waiver of the interview when it is clear that the alien is eligible for the visa and an interview would be an unnecessary inconvenience.'' (Emphasis added)

Rather than criticize State's policies, 9/11 Commission staff statements excuse the actions of the State Department, stating the Department followed its own policies. The Commission report remarks, ''To our knowledge, State consular officers followed their standard operating procedures in every case.'' But that begs the question of whether that policy was (a) allowed by the law, and (b) sensible under the circumstances. The State Department should not be judged on whether or not its policies were followed, but on whether its policies followed the law, and whether the 9/11 terrorists, who did not qualify for visas under the law, should have been granted visas to enter the United States. The Commission staff's second report essentially adopts the State Department's assertion that better watchlisting by intelligence agencies would have been the best prevention measure. But this obscures the larger point—if the State Department had followed immigration law, 9/11 would not have happened. The terrorists would have had to find another way to get into the country.

In addition to its silence about Consular Affairs' dereliction of duty with respect to complying with immigration law, that the Commission members did not comment on why the Consular Affairs office of the State Department, the lead agency before 9/11 on terrorism matters, believed that it needed to be ''informed . . . that Saudi citizens could pose security risks,'' is very troubling.

Either blatant disregard, or ignorance of the facts surrounding Saudi Arabia (even though it was the Department's responsibility to know the issues) allowed for the creation of the now-defunct Visa Express program specifically for Saudi Arabia. The formal exemption of Saudis from the interview process and the acceptance of nearly all Saudi applications through travel agents (with a financial interest in the applicants' approval) gave non-governmental agents the de facto ability to shape U.S. immigration policy. Three of the hijackers, in late summer, entered the country through this program.

The Commission staff, however, practically defends the Saudi Visa Express program in its comments by stating that it ''was established in part to keep crowds of people from congregating outside the posts, which was a security risk to the posts . . .'' The Commission report goes on to say that it ''found no evidence that the Visa Express program had any effect on the interview or approval rates for Saudi applicants . . . or reduced scrutiny . . . '' Maybe not, but it certainly took everything bad about visa processing policy and rolled it into a formal program for Saudi Arabia, home to many Islamic militants and to 15 of the 19 terrorists. Secretary Lehman and Mr. Ben-Veniste, your Commission members, pointed out during their exchange with Mary Ryan on January 23, that it was common knowledge that Saudi Arabia was home to many radical Islamists and some al Qaeda operatives specifically, and by inference that a program formalizing weak visa processing policies was wrong.

Mary Ryan's lack of common knowledge about the hostility of many Saudi citizens toward the U.S., and, at the least, the Saudi government's complacency about such fanaticism, caused much concern for Lehman and Ben-Veniste. That these exchanges, or at least their implications, did not warrant even a mention from the Commission staff is disturbing.

On January 23, Ben-Veniste asked Mary Ryan the following, '' Here, in the summer of '01 and somewhat before, you have recognized that a crowd control at the embassy or at the consular office, offices in Saudi Arabia posed a problem because of the potential harm to individuals from those who meant the United Sates and its interests harm. If we take that just one step further, would you agree that the individuals in the Kingdom of Saudi Arabia who might pose such a threat to cause harm to individuals at or about the embassy would be Saudis rather than foreigners?''

''[O]nce you acknowledge that there is certainly a number of Saudis who might be in a position to do us harm through violence against individuals at or near our consular offices, it doesn't take a whole lot to go to the next step, even without specific information from our intelligence agencies, that such individuals who mean us harm might in fact wish to come to the United Sates. So the notion, would you not agree, of Saudis not posing a particular threat being taken out of that threat matrix really doesn't stand up even on the basis of cursory information that you had available?''

''Saudis mean us harm in Saudi Arabia because they might blow up the embassy or harm individuals in the vicinity of the embassy but the Saudis who might seek entrance to the United States were not considered a problem?''

In her response, Ryan continues to refuse to acknowledge that for a number of reasons, the visas of Saudi citizens should not have automatically been approved. She said, ''You know, in the absence of information that someone is a threat to the nation, we are dependent on the information that we have in our system developed by intelligence and law enforcement agencies about people who mean us harm.''

In her next interchange, with Secretary Lehman, Ryan's response is similar. Secretary Lehman asked, ''In some of the interviewing of some of your officials that were doing the actual consular functions in Saudi Arabia at the time, they said in so many words, gosh, if we only knew. If someone had told us that Saudi Arabia was a threat. We thought that they were our friends and all we were looking for were people who were trying to immigrate and we weren't looking for terrorists. Well, hello. I mean, did anybody read the newspapers? I mean there were books. The literature was rife, you know, books like ''Among the Believers'' that catalogued this tremendous proselytizing of hatred and of fundamentalism around the world, sourced in Saudi Arabia, with many Saudi Arabian institutions and clerics the source of it. . . . So, I don't think the record supports your view.''

Ryan responded, ''Before September 11, and I think even after September 11th, until now, I think that this government, our government, does regard Saudi Arabia as an ally. In the current issue of Foreign Affairs, the deputy secretary says that we have every confidence in the crown prince of Saudi Arabia to carry out the reforms that he is trying to carry out. I mean, that doesn't sound like we regard Saudi Arabia as a state sponsor of terrorism. It was never so identified before September 11, it was never so identified after September 11.'' But the obvious fault in Ryan's logic is that even if one considers the Saudi government an ally, that does not mean that its nationals pose no security threat to the United States.

The State Department has repeatedly claimed that its visa policies in Saudi Arabia were reasonable since it lacked specific intelligence to determine that it should have acted otherwise. This claim, however, is dubious at best, considering that pre-9/11, the State Department was considered the lead agency on counterterrorism. While it is often said that pre–9/11 actions can be excused because terrorism was not deemed a primary concern, the fact is that the top agency for counterterrorism before 9/11, the State Department, knew, or should have known, the risks in deliberately reversing the presumption in the immigration law in order to make it as easy as possible for people to obtain visas in a country with known terrorist elements. Even long after State learned that 15 of the 19 terrorists were Saudi nationals—

and that their visas applications were clearly not sufficient under the law—the Department adamantly refused to tighten visa procedures and only began interviewing all nonimmigrant applicants between the ages of 12 and 70, including Saudi citizens, in July of 2002—a full ten months after the terrorist attacks.

Although Saudi Arabia was and is considered a U.S. ally, it was the responsibility of the Consular Affairs assistant secretary to know, even before 9/11, the Saudi-terrorism connection and how it might have been present among individuals trying to get into the U.S. The Commission report should have made this connection, but it did not. It found no real fault of Consular Affairs in this regard.

As I mentioned at the outset, I hope you will use my findings to advance constructively the final report of the 9/11 Commission. I believe that if you are going to provide an accurate picture to the American public about what caused the tragic events of September 11, you must place greater emphasis on our government's approach to visa processing and its compliance with immigration law in this regard, and on processing in Saudi Arabia in particular. As important as it is to examine the intelligence failures before 9/11, it is no less important to discuss how simple enforcement of the law would have prevented at least 15 of the 19 9/11 terrorists from being in the United States on that tragic day.

Sincerely,

JON KYL,
U.S. Senator.

U.S. SENATE,
Washington, DC, April 23, 2004.

The Hon. SLADE GORTON,
Member National Commission on Terrorist Attacks Upon the United States, Washington, DC.

DEAR SLADE: I write to convey how important I believe it is that the 9/11 Commission focus on the State Department's, and to a lesser degree, Immigration and Naturalization Service's, contribution to the dysfunction of our government before September 11.

It is clear to me that the State Department's Office of Consular Affairs, headed then by Mary Ryan, was utterly ineffective in making sure U.S. security interests were protected. Having read Ms. Ryan's January 24, 2004 testimony before the Commission and her responses to its questions, I have concluded, that, even today, she does not understand that, if U.S. laws related to the processing and approving of visa applications had been followed, September 11 could have been prevented.

Section 214(b) of the Immigration and Naturalization Act presumes that an alien who apples for a temporary visa actually intends to stay here permanently ''until [the alien] establishes to the satisfaction of the consular officer'' that he only intends to come here temporarily. The State Department should not deem an applicant as having established his intent until all processes related to the visa are complete and until a face-to-face interview has been conducted. Before September 11, consular officers were allowed to regularly approve temporary visa applications even when applications were incomplete and no face-to-face interviews were conducted.

On January 24, in response to a question from Commissioner Gorelick about ''how and in what circumstances the hijackers got into this country,'' Mary Ryan declared that consular officials ''adjudicated the visas correctly.'' This is simply false. At a minimum, the applications of the hijackers were incomplete. All 19 had omissions and inconsistencies on their visa applications that should have raised concerns about why they wanted visas (see Mowbray article enclosed). Additionally, personal interviews should, in my view, have been required of all intending immigrants in order for the State Department to have been in compliance with 214(b). Consular Affairs, contrary to its initial statements about this matter, failed to personally interview 13 of the 15 terrorists who were from Saudi Arabia.

Since these processes were not successfully completed, the visas, by law, should have been denied.

In October 2002, Senator Feinstein and I, as ranking member and chairman of the Judiciary Subcommittee on Terrorism, wrote to Secretary of State Powell to impress upon him that the manifest weaknesses of our nation's visa system contributed, and will continue to contribute, to the risk of terrorism against the United States and its citizens. I enclose for your review our letter, a list of 20 additional questions we submitted to Secretary Powell about visa processing, and the State Department's answers. As you will see from its answers, the Department refuses to acknowledge that, if it had exercised its obligations under the law, and refused visas to the terrorists, September 11 might have been prevented.

Enclosed as well is a copy of the additional views Senator Roberts and I appended to the December 2002 Intelligence Committees' Joint Inquiry Staff Report. In our statement, we make clear that these deficiencies, and an evident unwillingness to make existing State Department security mechanisms work properly, contributed to the tragedy.

I also urge you to review the exchange Ms. Ryan had with Commissioners Ben-Veniste and Lehman wherein she shows a lack of comprehension that special treatment of Saudis seeking U.S. visas simply should not have occurred, given the prevalence in Saudi Arabia of Wahhabism, a virulently anti-American strain of Islam. I enclose, in addition, articles by investigative reporter Joel Mowbray that provide details about State Department activities, and particularly about the issuance of visas to Saudi citizens. The State Department's presumption that most Saudis were eligible for visas was inexcusable and, I believe, definitively contributed to the terrorist attacks on our nation.

Bottom line: 9-11 could have been prevented if State Department officials had done their job. What are we doing to ensure they do so in the future?

Sincerely,

JON KYL,
U.S. Senator.

AMERICAN MUSIC MONTH

Mr. ALEXANDER. A few years ago, a New York Times story reported that ''Lamar Alexander grew up in a lower, middle class family in the mountains of East Tennessee.'' The article so offended my mother I found her reading Thessalonians to help deal with what she regarded as a ''slur on our family.''

''We never thought about ourselves that way,'' she told me. ''You had a library card from the day you were three and a music lesson from the day you were four. You had everything you needed that was important.''

I was 4 years old in Maryville, TN, a town of about 10,000 then, when my mother took me to Maryville College to learn how to play the piano. One of the college professors loaned us a battered upright piano which sat in our living room for several years. Every day before school, I would bang away on Czerny, Bach, Beethoven and Mozart—and throw in a little Jerry Lee Lewis when I thought no one was around to correct me.

I participated in annual piano contests sponsored by the National Federation of Music Clubs. I played in the Maryville High School band and played piano at revival meetings while my father—who had a beautiful tenor voice—led the singing.

After working during the day as a law clerk in New Orleans for Judge John Minor Wisdom I played trombone, tuba and washboard in the band at Your Father's Moustache on Bourbon Street to earn a little extra money.

When I walked across the State in a winning campaign for Governor I took four students from the University of Tennessee marching band with me. We performed as Alexander's Washboard Band dozens of times from the back of a flatbed truck.

As Governor, I could think of only one way to unify our State that was made up of so many different climates, political beliefs and people, and that was our music. From the Carter family in Bristol, to Music City in Nashville, to the blues and gospel of Beale Street in Memphis. Tennessee can be said to be the home of American music.

As Education Secretary in the first Bush administration I was asked to be the Republican speaker at the annual Gridiron Dinner, a press gathering where public careers are made or broken. When I found that Texas Governor Ann Richards was the Democrat speaker I decided that was not a contest I was likely to win. So instead of speaking, I wrote some lyrics to country music songs and sang and played the piano.

Music has been throughout my life a source of inspiration and joy. I suspect that is true for most Americans. It is a rare American who does not have some story about how music has made our lives richer and more interesting, how it has changed our moods, brought out the best in our character and even sometimes helped us earn a living.

So I am proud to join with the Senator from Illinois and co-sponsor this important resolution declaring American Music Month. Our music is an integral part of the American character, and we should celebrate it.

NO CHILD LEFT BEHIND

Mr. ENZI. Mr. President, I would like to congratulate the educators, administrators, parents, and children of my home State of Wyoming. Since the implementation of No Child Left Behind in 2001, our students have increased their test scores, proving that our schools are taking the adequate steps needed to ensure academic proficiency for all students, including those who are disadvantaged. The basis of No Child Left Behind is simple. It says that every 4th grader should be able to read, and do mathematics at a 4th

grade level; every 8th grader at an 8th grade level, and every 11th grader at an 11th grade level. But making it work calls for the hard work and dedication of all individuals involved with education—from the parents to the teachers, to the legislators and administrators. By putting the children first, our schools are making the progress needed for students to perform at their intended level, which will help them excel later in life.

The 2004 results of the WyCAS, our State's assessment, show that 47 percent of fourth graders in Wyoming tested as advanced or proficient in reading, 40 percent in writing, and 39 percent in mathematics. While there is still room for improvement, all three are increases from last year's scores of 44, 37, and 37 percent respectively. In addition, 57 percent of the 8th grade students tested as advanced or proficient in writing, almost a 10-percent increase from the previous year, when they scored 48 percent.

A few schools that made tremendous growth this year should be especially proud of themselves. Moorcroft Junior High now has 81 percent of their students proficient in writing as compared to only 38 percent last year. Sundance Junior High also produced exceptional results in math, with 74 percent of their students performing at proficient or advanced level, compared to 39 percent last year.

Improvements have not only been made from last year to this year but over time as well. The 11th graders, who took the WyCAS as 8th graders in 2001, improved their mathematics scores from 32 percent being advanced or proficient to 44 percent. In reading, the results were similar. They jumped from 39 percent as 8th graders to 50 percent as 11th graders.

The results are a good indication that our students are learning and our teachers are working hard to leave no child behind. I am pleased with Wyoming's dedication to education, and I look forward to learning the results of other indicators that No Child Left Behind uses to assure schools are making adequate yearly progress. I encourage Wyoming schools to keep up the good work and continue to put the children first.

SPEECH TO THE UNITED NATIONS BY TASSOS PAPADOPOULOS, PRESIDENT OF CYPRUS

Ms. SNOWE. Mr. President, I rise today to speak about the importance of continuing every effort to help achieve a workable and lasting peace for the people of Cyprus.

I would like to read some of the comments recently delivered by Cypriot President Tassos Papadopoulos in his recent address to the United Nations General Assembly.

As President Papadopolous told members of the General Assembly:

> Surely the aspiration of humanity revolves around achieving the full respect of human rights, democracy, and the rule of law. The collective vision and effort required to fulfill this massive endeavor demands the contribution of all, to the extent of their capabilities.

The President further stated:

> We are committed and dedicated to a bizonal, bicommunal federal solution that would bring about the reunification of our homeland which would be workable, viable and make a reality the gradual rapprochement of the communities in Cyprus, the social and economic reunification and which will not institute the division of the communities and institutions.

Cyprus' European Union accession marks a great milestone and the beginning of a new era for the people of Cyprus.

Cyprus and the United States are bound together by common democratic traditions, values, ideas and interests. We have a history of working together effectively to fight threats to global security. We in the United States must continue to push for a peace plan that will be acceptable to the people of Cyprus.

I am firmly convinced that the people of Cyprus want peace. The road to peace will only come through a plan that is fair and that is workable. I join with the leadership of the Greek American national organizations in their commendable efforts to move the peace process ahead in a positive and constructive way.

I ask unanimous consent to print the RECORD, the recent address by the President of Cyprus, Mr. Tassos Papadopoulos to the General Assembly of the United Nations.

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

ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF CYPRUS, MR. TASSOS PAPADOPOULOS, AT THE GENERAL ASSEMBLY OF THE UNITED NATIONS, SEPTEMBER 23, 2004

Mr. President, I wish to start by conveying to you my most sincere congratulations on your election as President of this session of the General Assembly and wish you every success in steering the work of this august body. I would also like to extend our thanks and appreciation to the President of the 58th Session of the General Assembly, especially for his inspired efforts to promote so vigorously the agenda of United Nations reform and the revitalisation of the General Assembly.

As this is the last Session of the General Assembly ahead of the 2005 Major Event, we must proceed to evaluate the prospect of attaining the ambitious targets we set at the turn of the Millennium. Determining a hierarchy in our priorities and identifying and pursuing specific targets, has been a major step in fostering the values, principles, and objectives embodied in the Millennium Declaration. The Major Event, however, will be the first real assessment of our progress towards the implementation of the Declaration and of the outcome of major world Conferences, and of initiatives such as the one launched by the Presidents of Brazil, France, Chile and the Prime Minister of Spain to eradicate poverty and hunger, as well as the initiative of the Presidents of Finland and Tanzania on the social dimension of globalisation.

Specifically with regard to the Millennium Development Goals, we believe that the ability to make development on the ground an issue of global concern as a result of these pledges, will measure the ability of the United Nations to induce significant change and advances where they are most needed. At the same time, the achievement of these objectives, which form an essential part of the Millennium Declaration, will judge to a great extent the efficacy of the United Nations in pursuing successfully a global and comprehensive agenda, which pertains to the prosperity of the population of a significant number of its member states.

The Republic of Cyprus supports the strengthening of the United Nations system through the reform process underway, and looks forward to the Report of the High-Level Panel and the recommendations of the Secretary-General. We attach particular importance to the revitalisation of the General Assembly and to the reform of the Security Council, so that, its structure will reflect contemporary political realities and a more balanced geographical representation. In the spirit of these two principles and with the aim of reinforcing the legitimacy and efficacy of the Council, Cyprus is supportive of increasing both permanent and non-permanent membership. In this respect, we believe that the joint French and German position on the enlargement of the Council could provide a basis for achieving the above mentioned objectives.

We share the assessment of the Secretary-General in his Report that our endeavour of consolidating effective multilateralism in a flexible and versatile United Nations, is the best way to address the complete spectrum of global crises and ensure that there exist preventive mechanisms to avert each one. Such consolidation also applies to security deficits and particularly terrorism the underlying causes of which, we have been unable to eliminate despite our concerted efforts. We consider that the conclusion of a United Nations comprehensive convention against terrorism is important in order to facilitate the elimination of the threat posed by terrorism, in the framework of international legality.

Addressing other deficiencies in the international system, particularly the ones which give rise to crisis situations and humanitarian disasters, should also be considered a matter of both urgency and priority. Darfur is one such crisis, which, following many others like it, keeps Africa at the heart of our concerns. It manifests why we should not only focus the majority of our humanitarian resources and peace-keeping efforts to it but why we should make every possible effort to make sustainable development a global reality. We welcome also the expanding co-operation between the United Nations and regional Organisations, which we consider to be the most effective method of addressing such issues. Of course, we attach particular significance to the collaboration between the United Nations and the European Union in managing crisis situations.

The Middle East is another region which remains volatile despite growing global concern and in spite of many attempts to restore the Peace Process in the Israeli-Palestinian conflict. So long as violence remains a vivid reality in the region it will not be possible to create those conditions under which peace building can be accomplished. We deem necessary a more active involvement of the Quartet in the efforts to implement the road map and intercept the cycle of violence. More emphasis should also be given to the task of improving living conditions in order to normalise people's lives to the greatest possible extent. Our support remains focused on the end of the occupation and on a just and viable settlement, based on UN Resolutions and for the realisation of the aspirations of the Palestinian people for the

establishment of an independent state, living side by side with Israel, in conditions of sustainable peace and security.

Surely the aspiration of humanity revolves around achieving the full respect of human rights, democracy, and the rule of law. The collective vision and effort required to fulfil this massive endeavour demands the contribution of all, to the extent of their capabilities. Cyprus is prepared to play its part from its vantage point in the European Union whilst drawing upon its traditional participation in Fora dedicated to promoting agendas pertaining to these values. This affiliation has been a source of support for us since Cyprus' independence, and its impact not only makes us grateful but has also endowed us with sensitivities that will continue to be an integral part of our approach.

I would like to emphasise how proud we are that Cyprus is now a full member of the European Union. The European Union has outlined an extensive set of priorities for this Session of the General Assembly. As the statement delivered by the Dutch Presidency has delineated these priorities, I will not elaborate on them any further.

This year marks 30 years since the occupation of 37% of Cyprus' territory as a result of the invasion of the island by Turkish troops. It also marks 30 years of relentless efforts by the Greek Cypriots to achieve a just and peaceful settlement, with the support of the international community, to which I would like here to express our deep appreciation.

The Greek Cypriot side has repeatedly demonstrated in the past thirty years, its readiness to move forward by making many painful sacrifices and concessions, while the Turkish Cypriot leadership always lacked the necessary political will. The quest and eagerness of Greek Cypriots for a solution never meant, however, that they would accept any settlement proposed to them nor that they would be ready to embark on an adventure, in all probability condemned to failing, with irreversible consequences.

The latest effort by the UN Secretary-General to solve the Cyprus problem resulted in a Plan, which, by some was described as a historic opportunity to solve one of the longest standing international problems. I will only briefly outline why, despite the hard work invested in the process by all involved, the end product of this effort was judged to be inadequate and fell short of minimum expectations from a settlement for Greek Cypriots.

Firstly, the Annan Plan was not the product of negotiation nor did it constitute an agreed solution between the parties. Secondly, the Plan did not place the necessary emphasis on achieving a one State solution with a central government able to guarantee the single sovereign character of Cyprus. Thirdly, it failed to address the serious concerns of the Greek Cypriot Community regarding their security and effective implementation of the Plan.

In rejecting the Plan as a settlement for the Cyprus problem the Greek Cypriots did not reject the solution or the reunification of their country. They have rejected this particular Plan as not effectively achieving this objective. We remain committed to a solution which will ensure the reunification of the country, its economy, and its people.

We are committed to reaching a solution on the basis of a bizonal, bicommunal federation. However, there are a number of essential parameters the Greek Cypriot Community insist this solution to be founded on. The withdrawal of troops and settlers and the respect of human rights for all Cypriots, the underlying structures for a functioning economy, the functionality and workability of the new state of affairs, the just resolution of land and property issues in accordance with the decisions of the European Court of Human Rights, and the respect of the right of return of refugees. To this end, we welcome the recent Pinheiro Progress Report on property restitution in the context of the return of refugees and internally displaced persons.

Simultaneously, it pains me to bring to your attention, Mr. President, that certain provisions of the Annan Plan have encouraged an unprecedented unlawful exploitation of occupied properties in northern Cyprus, something alluded to even in statements by officials of the occupying power itself.

The most paramount feature of any settlement is the ability to install a sense of security to the people. The mistakes of the past must not be repeated. Cyprus must in its future course, proceed without any grey areas with regard to its sovereignty or its relation to third states. If the people feel that their needs have not formed the basis of any solution reached or that the characteristics of this solution have been dictated by the interests of third parties, then this solution will unsurprisingly be bypassed. Indeed, the spirit and practice of effective multilateralism not only encompasses, but also derives from, the comprehension and consideration of local realities and particulars, on which it must then proceed to formulate proposals.

This should not be interpreted by third parties as a lack of will to solve the Cyprus problem. Instead, it must be unequivocally understood that the people who will have to live with this solution are in the best position to judge what is suitable for them, that it is imperative for the people to be called upon to ratify any plans that are drawn to this effect, and that their verdict must be respected.

In the framework of the European Union, and with the aim of promoting reunification and reconciliation, my Government, despite the obstacles placed by the current status quo, is consistently pursuing policies aiming to enhance the economic development of the Turkish Cypriots. While not intended to serve as a substitute for a solution, such policies are in our view the most effective way to foster the maximum economic integration of the two Communities, and increase contact between them, so as to ensure the viability of a future solution.

Responding to the expanding possibilities on the ground, we have intensified our efforts to ameliorate the situation and seek ways to benefit citizens. In this context, my Government has recently proposed the withdrawal of military forces from sensitive areas and refraining from military exercises, the opening of eight additional crossing points across the cease fire line and the facilitation of the movement of persons, goods and services across the Green Line, as well as the extension of the so far unilateral demining process initiated by my Government.

We have also declared our readiness to make special arrangements whereby Turkish Cypriots will utilise Larnaca Port for the export of their goods. Furthermore, subject to the area of Varosha being returned under the control of the Government of Cyprus and to its legitimate inhabitants, we could accommodate the lawful operation of the port of Famagusta.

The Cyprus problem is not always perceived in its correct parameters. The fact remains that this problem is the result of a military invasion and continued occupation of part of the territory of a sovereign state. This fact should not be conveniently overlooked in people's perception, by concentrating on peripheral parameters. Any initiative to solve the problem must have at its core, this most basic and fundamental fact and be based on the premise that international legality must be served and the occupation lifted.

Unfortunately, the fundamentals of the situation on the ground remain unchanged for the past 30 years since the Turkish invasion in Cyprus. This situation is one comprising of severe violations of the most fundamental human rights. The yet unresolved issues of the missing persons, an issue of a purely humanitarian nature, as well as that of the enclaved of the Karpass peninsula, are in themselves an indication of Cyprus' enduring suffering. This should not only point towards the specifics of the solution to be pursued but must also guide our actions with regard to managing the current status quo. For instance, the United Nations Force in Cyprus (UNFICYP), assigned with the task to manage the status quo inflicted 30 years ago, should remain specific to the situation on the ground.

The accession of Cyprus to the European Union, in conjunction with the lack of an agreement on the settlement of the Cyprus problem, in spite of our efforts and our preference for a settlement prior to accession, signifies the end of an era and the beginning of a new one. I firmly believe that the new context defined by the accession of my country to the EU and by the expressed will of Turkey to advance on the European path offers a unique opportunity and could have a catalytic effect in reaching a settlement in Cyprus. Our vocation is to be partners and not enemies.

Hence, in this new era, we plea to Turkey, to join us in turning the page and seeking ways to mutually discover, mutually beneficial solutions to the various aspects that compose the Cyprus problem. The mere realisation that peace and stability in our region serve the interests of both our countries is ample evidence to prove that what unites us is stronger than what divides us.

CBO COST ESTIMATE—S. 2773

Mr. INHOFE. Mr. President, I ask unanimous consent that a cost estimate prepared by the Congressional Budget Office to accompany Senate Report 108–314, the committee report to S. 2773, the Water Resources Development Act of 2004, be printed in the RECORD. The estimate was not available when the report was filed by the Committee on Environment and Public Works on August 25, 2004.

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

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

CONGRESSIONAL BUDGET OFFICE

S. 2773, Water Resources Development Act of 2004, as reported by the Senate Committee on Environment and Public Works on August 25, 2004.

Summary

S. 2773 would authorize the Army Corps of Engineers (Corps) to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. The bill would authorize the agency to conduct studies on water resource needs and feasibility studies for specified projects and to convey ownership of certain Federal properties. Finally, the bill would extend, terminate, or modify existing

authorizations for various water projects and would authorize new programs to develop water resources and protect the environment.

Assuming appropriation of the necessary amounts, including adjustments for increases in anticipated inflation, CBO estimates that implementing S. 2773 would cost about $2.9 billion over the 2005–2009 period and an additional $4 billion over the 10 years after 2009. (Some construction costs and operations and maintenance would continue or occur after this period.)

S. 2773 also would allow for the spending of certain receipts from hydroelectricity sales associated with Army Corps of Engineers projects for facility planning, operation, maintenance, and upgrades, without further appropriation. Most of the receipts would come from electricity sold by the government's power marketing administrations (PMAs), including the Bonneville Power Administration (BPA). This provision also would direct the PMAs to reduce the maintenance component of the electricity rate charged to customers. The bill would convey parcels of land to various nonFederal entities and would forgive the obligation of some local government agencies to pay certain project costs. Finally, the bill would allow the Corps to collect and spend fees related to training courses and permit processing. CBO estimates that enacting those provisions would increase direct spending by $803 million in 2005, $5.3 billion over the 2005–2009 period, and $10.8 billion over the 2005–2014 period. Enacting the bill would not affect revenues.

S. 2773 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs to those governments to comply with the conditions of this Federal assistance would be incurred voluntarily.

Estimated Cost to the Federal Government

The estimated budgetary impact of S. 2773 is shown in the following table. The costs of this legislation fall within budget functions 300 (natural resources and the environment) and 270 (energy).

TABLE 1. ESTIMATED BUDGETARY IMPACT OF S. 2773 OVER THE 2005–2009 PERIOD

By Fiscal Year, in Millions of Dollars

	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	599	623	619	593	604
Estimated Outlays	419	609	614	595	595
CHANGES IN DIRECT SPENDING					
Estimated Budget Authority	1,065	1,071	1,134	1,198	1,311
Estimated Outlays	803	981	1,109	1,170	1,274

Basis of Estimate

For this estimate, CBO assumes that S. 2773 will be enacted near the beginning of fiscal year 2005 and that the necessary amounts will be appropriated for each fiscal year.

Spending Subject to Appropriation

S. 2773 would authorize new projects related to environmental restoration, shoreline protection, and navigation. This bill also would modify many existing Corps projects and programs by increasing the amounts authorized to be appropriated to construct or maintain them or by increasing the Federal share of project costs. Assuming appropriation of the necessary funds, CBO estimates that implementing this bill would cost $2.8 billion over the 2005–2009 period and an additional $4 billion over the 10 years after 2009. For ongoing construction costs of previously authorized projects, the Corps received a 2004 appropriation of $1.6 billion.

For new water projects specified in the bill, the Corps provided CBO with estimates of annual budget authority needed to meet design and construction schedules. CBO adjusted those estimates to reflect the impact of anticipated inflation during the time between project authorization and appropriation of construction costs. Estimated outlays are based on historical spending rates for Corps projects.

Significant New Authorizations. S. 2773 would authorize the Army Corps of Engineers to conduct water resource studies and undertake specified projects and programs for flood control, inland navigation, shoreline protection, and environmental restoration. For example, the bill includes authorizations for enhanced navigation improvements on the Upper Mississippi River at an estimated Federal cost of $1.7 billion and an ecosystem restoration project, also on the Upper Mississippi River, at an estimated Federal cost of $1.46 billion. Another large project authorized by this bill is the Indian River Lagoon project in the Florida Everglades at an estimated Federal cost of $604 million. Construction of those projects would likely take more than 15 years.

Fish and Wildlife Mitigation. Section 1011 would amend the Water Resources Act of 1986 to establish a standard for fish and wildlife habitat mitigation on certain Corps projects. S. 2773 would require the Corps to develop a mitigation plan that restores the same number of acres of habitat that would fully replace the hydrologic and ecological functions that are lost because of construction of a Corps project. For this estimate, CBO assumes that this provision would apply to potential projects that are being studied but have not yet been submitted to the Congress for authorization. CBO estimates this provision would have no significant cost. However, it is possible that the Administration could interpret this provision to be applicable to authorized projects that have not yet begun or completed construction. Under that interpretation, this provision would increase future construction costs significantly.

Deauthorizations. S. 2773 would withdraw the authority for the Corps to build over 55 projects authorized in previous legislation. Based on information from the Corps, however, CBO does not expect that the agency would begin most of those projects over the next 5 years. Some do not have a local sponsor to pay nonFederal costs, others do not pass certain tests for economic viability, and still others do not pass certain tests for environmental protection. Consequently, CBO estimates that canceling the authority to build those projects would provide no significant savings over the next several years.

Direct Spending

Based on information from affected agencies, CBO estimates that enacting S. 2773 would increase direct spending by about $800 million in 2005 and $10.8 billion over the 2005–2014 period. Table 2 presents the direct spending components of the bill. Most of the direct spending under the bill would stem from provisions to allow for the spending of certain receipts associated with Corps projects for facility planning, operation, maintenance, and upgrades without further appropriation.

Improvement of Water Management at Corps of Engineers Reservoirs. Section 1006 of the bill would designate that all receipts associated with Corps projects be spent, without further appropriation, on operations, maintenance, and upgrades at its facilities. The Federal power marketing administrations (including the Bonneville Power Administration) collect receipts from the sale of hydroelectric power at Corps dams. The Corps also collects fees associated with other activities at its projects. Overall, the bill would make available for spending, on average, about $1 billion per year of those receipts. Because those receipts would otherwise be deposited in the Treasury, CBO estimates that enacting section 1006 would increase direct spending by $595 million in 2005 and $9.7 billion over the 2005–2014 period.

The bill specifies how the funds would be spent. Most of the funds, 80 percent, would be spent within the same Corps district from which they are collected. The remaining 20 percent would be available agencywide for any Corps project.

Spending of Receipts Collected by the Bonneville Power Administration. The bill would make receipts collected by BPA from the sale of hydroelectric power at Corps dams available for spending by the Corps. Unlike hydroelectricity receipts collected by the other PMAs, all receipts collected by BPA go into a revolving fund and are spent for operating its electricity system and repaying previous appropriations and Treasury borrowing. Because a portion of BPA's generating revenues from Corps dams are used to keep its system functioning, CBO assumes that only those receipts that would be used to repay previous appropriations and Treasury borrowing, that is, BPA's intergovernmental payments, would be available for spending by the Corps.

Under current law, CBO estimates that BPA's intergovernmental payments will be, on average, about $730 million per year over the 2005–2014 period. Under S. 2773, we assume that such payments would continue to made but would be spent without further appropriation for operations and maintenance at Corps facilities. BPA's Treasury payments fluctuate from year to year based on how much cash is available at the end of each fiscal year (changing water conditions and electricity prices can swing BPA's annual revenues significantly) and the maturities and interest rates of Treasury bonds issued on BPA's behalf. CBO estimates that spending of BPA receipts by the Corps would total $457 million in 2005 and $7.1 billion over the 2005–2014 period.

Spending of Receipts Collected by the Other Power Marketing Administrations. Receipts collected by the Southwestern, Southeastern, and Western Power Administrations from the sale of hydroelectric power at Corps dams are currently deposited in the Treasury. Under this bill, those funds would be spent by the Corps, without further appropriation, for operations and maintenance at its facilities. CBO estimates that spending of PMA receipts by the Corps would total $117 million in 2005 and $2.4 billion over the 2005–2014 period.

TABLE 2. CHANGES IN DIRECT SPENDING UNDER S. 2773

By Fiscal Year, in Millions of Dollars

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
CHANGES IN DIRECT SPENDING										
Improvement of Water Management at Corps Reservoirs										
Estimated Budget Authority	849	889	959	1,028	1,129	909	1,093	1,100	1,107	1,114
Estimated Outlays	595	792	934	1,000	1,092	965	1,060	1,080	1,104	1,111
Loss of Power Marketing Administration Receipts										
Estimated Budget Authority	173	176	180	184	189	192	0	0	0	0
Estimated Outlays	173	176	180	184	189	192	0	0	0	0
Recreation Fees										
Estimated Budget Authority	34	6	−5	−7	−7	−7	−7	−7	−7	−7
Estimated Outlays	27	13	−5	−7	−7	−7	−7	−7	−7	−7
Land Conveyances and Other Direct Spending										
Estimated Budget Authority	8	*	*	−7	*	*	*	*	*	*
Estimated Outlays	8	*	*	−7	*	*	*	*	*	*
Total Changes										
Estimated Budget Authority	1,065	1,071	1,134	1,198	1,311	1,094	1,086	1,093	1,100	1,107
Estimated Outlays	803	981	1,109	1,170	1,274	1,150	1,053	1,073	1,097	1,104

NOTE: * = less than $500,000.

Spending of Receipts Collected by the Corps. S. 2773 also would allow the Corps to spend any proceeds that it collects in grazing fees, shoreline management permit fees, and municipal and industrial water supply fees. The Corps could spend such funds for operations and maintenance at its facilities. CBO estimates that spending of such receipts would total $21 million in 2005 and $288 million over the 2005–2014 period.

Impact on Future Corps Appropriations. By making about $1 billion a year available for operations and maintenance at Corps facilities without further appropriation, the bill could lead to future reductions in the amounts appropriated for such purposes. In fiscal year 2004, the Corps received an appropriation of almost $2 billion for operations and maintenance costs. Enacting this bill could result in a reduction in future appropriations if the Congress chose to maintain total Corps spending at a level similar to the amount appropriated in 2004. For this estimate, however, CBO assumes that Corps appropriations would remain at current levels and that new spending authorized by the bill would be in addition to what is annually made available.

Reduction in the Maintenance Component of Electricity Rates. CBO assumes that section 1006 of S. 2773 would result in an overall reduction in electricity receipts collected by the PMAs. Under current law, electricity sales rates charged by the PMAs are set to recover the cost of generating electricity, including operations and maintenance expenses associated with hydroelectricity generation at Corps projects. Over the 2005–2010 period, the bill would lower the portion of electricity rates charged to PMA customers for Corps-related expenses to 0.22 cents per kilowatt-hour. (BPA rates are explicitly exempted by that provision.)

The PMAs currently charge their electricity customers for Corps-related expenses more than the 0.22 cents per kilowatt-hour that would be mandated by the bill. Such rates range from as much as 1.2 cents per kilowatt-hour to 0.4 cents per kilowatt-hour for the various Corps projects associated with the Western Area Power Administration. CBO estimates that this provision would reduce electricity receipts collected by the PMAs by an average of about $180 million a year, over the 2005–2010 period.

Spending of Recreation Fees. Section 1004 would direct the Corps to establish a new system of recreation fees, including charges for admission to Corps recreationsites and for the use of recreation facilities, visitor centers, equipment, and services. Under the bill, the new fees (which would be based on the value of the admission or service purchased) would replace charges authorized under the more-restrictive fee authority contained in the Land and Water Conservation Fund Act (LWCFA), which currently governs the Corps' recreation fee program. The bill also would authorize the agency to provide recreational services through contractors by leasing Federal land or establishing other concession-like arrangements with non-Federal entities. Finally, section 1004 would allow the Corps to retain and spend without further appropriation all recreation user and admission fees it collects under the LWCFA. CBO estimates that enacting this provision would have a net cost of $27 million in 2005 and $21 million over the 2005–2009 period. We estimate the provision would result in a net reduction in direct spending of $14 million over the next 10 years.

CBO estimates that, once the fee authority that would be provided by this section has been fully implemented, Corps offsetting receipts would increase by $7 million a year from the current annual level of about $34 million. (We estimate that the increase would begin in fiscal year 2006 and would initially amount to $4 million to $5 million a year because of delays in determining the market value of similar local recreation opportunities and establishing appropriate fee schedules.) We estimate that the contracting and leasing provisions of this section would have no effect on the budget because such authorities already exist.

CBO further estimates that the authority that would be provided by the bill to spend without appropriation any offsetting receipts earned under the LWCFA would increase direct spending by $27 million in fiscal year 2005 and by $17 million in 2006. After the Corps implements the new fee program mandated by the bill (in mid–2006), no additional receipts would be earned under the LWCFA, and the authority to spend such amounts would no longer be in effect. Because the bill would not specifically authorize the appropriation of, or spending of, any fees collected under the new program, CBO assumes that those recreation receipts would be deposited into the general fund of the Treasury.

Various Land Conveyances. S. 2773 would authorize the Corps to convey certain land in Alabama, Pennsylvania, Georgia, and Missouri. CBO estimates that those conveyances would have no significant impact on the Federal budget.

The bill also would convey at fair market value 13 acres of land and the structures on the land, including a loading dock with mooring facilities, in Alabama. In addition, S. 2773 would convey at fair market value 650 acres at the Richard B. Russell Lake in South Carolina to the state. Based on information from the Corps, CBO estimates that the Federal Government would receive about $7 million in 2008 from this sale.

Arcadia Lake, Oklahoma. Section 5303 would eliminate the obligation of the city of Edmond, Oklahoma, to pay outstanding interest due on its water storage contract with the Corps. CBO estimates that this provision would result in a loss of receipts of about $8 million in 2005.

Waurika Lake Project. Section 5304 would eliminate the obligation of the Waurika Project Master Conservancy District in Oklahoma to pay its outstanding debt related to the construction of a water conveyance project. Due to an accounting error, the Corps inadvertently undercharged the district for costs associated with a land purchase related to the water project in the early 1980's. Under terms of the construction contract, the district is required to pay all costs associated with building the project, including the full cost of the land purchases. CBO estimates that enacting this section would cost less than $200,000 a year over the 2005–2014 period.

Funding to Process Permits. Section 5401 would extend the Corps' current authority for two more years to accept and spend funds contributed by private firms to expedite the evaluation of permit applications submitted to the Corps. CBO estimates that the Corps would accept and spend less than $500,000 during each year of this extension and that the net budgetary impact of this provision would be negligible.

Training Funds. Section 1003 would allow the Corps to collect and spend fees collected from the private sector for training courses. CBO estimates that the Corps would accept and spend less than $500,000 annually and that the net budgetary impact would be negligible.

Intergovernmental and Private-Sector Impact

S. 2773 contains no intergovernmental or private-sector mandates as defined in UMRA. Federal participation in water resources projects and programs authorized by this bill would benefit state, local, and tribal governments, and any costs to those governments to comply with the conditions of this Federal assistance would be incurred voluntarily.

Previous CBO Estimate

On September 3, 2003, CBO transmitted a cost estimate for H.R. 2557, the Water Resources Development Act of 2003, as ordered reported by the House Committee on Transportation and Infrastructure on July 23, 2003. CBO estimated that enacting H.R. 2557 would increase direct spending by $32 million over the 2004–2013 period. In addition, assuming appropriation of the necessary amounts, CBO estimated that implementing H.R. 2557 would cost about $2.6 billion over the 2004–2008 period. The differences in the cost estimates stem from different levels of authorized funding.

Estimate Prepared By: Federal Costs: Julie Middleton, Lisa Cash Driskill, Deb Reis, and

Mike Waters; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Karen Raupp.

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. INHOFE. I would also like to take this opportunity to note for the record that I believe there are several unrealistic sections of the CBO score that appear to be based on several unconventional interpretations of the Committee reported bill.

CBO estimates that the recreation fee program will result in $27 million in estimated outlays for 2005 and $13 million in estimated outlays for 2006, at which point CBO assumes that the outlays become a $7 million annual revenue. The recreation user fee program established in the bill, creates a program to directly fund the operation and maintenance needs associated with recreation at Corps reservoirs. The committee reported bill amends section 225 of WRDA 1999. That particular section of WRDA 99 provides the Secretary of the Army a temporary authority under the Land and Water Conservation Fund, to withhold a limited portion of recreation user fees and provides authority to spend those revenues on the operation and maintenance of recreation facilities at Corps reservoirs. The committee bill further amended this authority to allow the Corps to withhold 100 percent of the recreation fees, on a permanent basis and directed the Corps to establish a progrm to facilitate the efficient collection of revenues. The CBO interpretation of this section assumes that the Corps will withhold the recreation fees it currently collects and spend them directly on O&M. However, when the Corps implements the program for fees CBO assumes that the agaency's authority for withholding such fees disappears, and the agency will blithely turn them over to the General Treasury leaving their O&M budget in shambles. Such an outcome is in direct contravention of the obvious purpose of the entire section. And while such an interpretation of the section is possible, I have yet to encounter a situation where an agency turned funds over to the Treasury when they were authorized to withhold and spend them directly.

Section 1006 authorizes the Corps to deposit revenues collected in conjunction with operations at Corps reservoirs. With respect to the generation of hydro-power, the Corps does not currently collect any fees from the Power Marketing Administrations, PMAs. In the case of PMA revenue, the PMAs send a portion of their revenue to the Treasury. In order to provide direct funding for the Corps, the committee bill provides for a 0.22 cent charge per kilowatt of electricity produced. Bonneville Power Administration is specifically exempt from the 0.22 cent per kilowat hour fee. Despite this exemption, CBO assumes that Bonneville Power will ignore it's other authorizing statutes and turn over more than $800 million a year to the Corps. I would point out that the 0.22 cent per kilowatt fee, was the committee's best estimate at the size of a fee that would be required to directly fund $150 million for O&M, which was the amount recommended in the president's budget. Excluding Bonneville Power Administration, CBO estimated that the 0.22 cent per kilowatt hour would result in $173 million in direct O&M outlays. I believe that CBO erroneous included Bonneville Power Administration in the estimate of direct spending. Bonneville Power Administration receipts, if collected by the Corps, would total $7.1 billion over a 10-year period.

While CBO erroneously overestimates, the direct spending associated with O&M at Corps reservoirs, it completely underestimates the direct spending that will likely be required should the Fish and Wildlife mitigation provision become enacted. Section 1011 establishes a new standard for fish and wildlife mitigation for Corps of Engineers projects. Because the standard specifically amends WRDA 1986 with changing the dates specified in WRDA 86 with respect to the applicability of the standard to completed and on going projects, a strict reading of the new standard makes it applicable to all projects authorized after November 17, 1986. Moreover, the standard sets a very high bar by requiring the Corps to ''acquire and restore the same number of acres of habitat'' to fully replace the hydrologic and ecological functions of ''each acre of habitat adversely affected.'' While on its face such a requirement may seem innocuous, there is no deminimus level for the determination of an adverse effect. Strictly speaking, even relatively minor changes to land use or hydrology would trigger the requirement for the Corps to acquire an equal number of acres as those that are modified, and restore all of those acres. The liability that this imposes on the Corps for mitigation of projects to this standard for everything since 1986 is likely substantial. Given that most non-Federal sponsors are local and State governments, this potentially represents a significant unfunded mandate as well.

NATIONAL RUNAWAY PREVENTION MONTH

Mr. HATCH. Mr. President, I rise today to commend the Senate for passing S. Res. 430, a resolution designating November 2004 as National Runaway Prevention Month. National Runaway Prevention Month is a public education initiative to increase awareness of issues facing runaways. This resolution will sensitize the public about solutions to the runaway dilemma and educate them on the role they play in preventing youth from running away.

Runaway and ''throwaway'' episodes among our Nation's youth are a widespread problem, with one out of every seven children and youth in the United States running away or being turned out of their home before the age of 18. A recent study by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention estimates that nearly 1.7 million youth experienced a runaway or throwaway episode in a single year. The primary causal factors of running away or being turned out are severe family conflict, abuse and neglect, and parental abuse of alcohol and drugs.

All of the conditions that lead young people to leave or be turned out of their homes are preventable. However, we need to make interventions available to strengthen families and support youth in high-risk situations. Successful interventions are grounded in partnerships among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses.

Preventing young people from running away and supporting youth in high-risk situations are a family, community, and national responsibility. Please join us in increasing public attention to the challenges that youth are facing today and in encouraging all Americans to play a role in supporting the millions of young people who have run away from their home environments or who are at-risk of doing so each year.

NATIONAL SEVERE STORMS LABORATORY 40TH ANNIVERSARY

Mr. INHOFE. Mr. President, in Oklahoma, we know the importance of predicting and tracking severe weather. Each spring, during tornado season, people in Oklahoma brace themselves for dangerous storms. However, instead of hiding in the dark, like they used to do, today, they can depend on a stellar source for up-to-date, real-time information. The National Severe Storms Labs NSSL has played a vital role in providing research for predicting and tracking this harmful weather. In light of this, I rise today to recognize the 40th anniversary of the vital office of the NSSL within the Department of Commerce/National Oceanic and Atmoheric Administration, in Norman, Oklahoma.

The National Severe Storms Laboratory was established in 1964 and leads the way in investigations of all aspects of severe and hazardous weather. NSSL is a vital part of NOAA Research and the only federally supported laboratory focused on severe weather. The lab's scientists and staff constantly explore new ways to improve understanding of the causes of severe weather and ways to use weather information to assist National Weather Service, NWS, forecasters, as well as Federal, uiversity and private sector partners.

These scientists are working on ways to improve short-term weather forecasting computer models for the National Weather Service's basic tornado research to understand how tornadoes form, as well as real-time delivery of

radar data to the meteorological community and interested partners. Research at NSSL has led to greater knowledge and improved forecasts of tornadoes, flash floods, damaging winds, hail, lightning, heavy snow, ice and freezing rain.

Early on, NSSL researchers recognized the potential of Doppler radar to improve the detection and warning of severe weather. NSSL built the first real-time displays of Doppler velocity data, which led to discoveries of tornado-related radar ''signatures.'' The successful demonstration that Doppler radar could help forecasters provide much improved severe thunderstorm and tornado warnings led to the deployment of the Next Generation Weather Radar, NEXRAD, WSR–88D, network of Doppler radars throughout the United States. This important contribution to the Nation was recognized by a Department of Commerce gold medal award, and was the only NOAA research laboratory so recognized.

NSSL continues to be a pioneer in the development of weather radar. The lab is working with the NWS to deploy dual polarization, a planned upgrade to the current NEXRAD Doppler radar hardware that provides more information about precipitation in clouds to better distinguish between rain, ice, hail and mixtures. Such information will help forecasters provide better forecasts and warnings for flash floods, the number one severe weather threat to human life.

In addition, NSSL researchers are adapting state-of-the-art radar technology currently deployed on Navy ships for use in tracking severe weather. Phased array radar reduces the scan or data collection time from 5 or 6 minutes to less than 1 minute, potentially extending the lead time for tornado warnings beyond the current average of 12 minutes. When combined with other technology being developed at NSSL, warning lead times may be extended even farther.

Recently, NSSL collaborated with the University of Oklahoma, Texas Tech, and Texas A&M University to build two new 5–cm mobile Doppler radars. These SMART-Radars—Shared Mobile Atmospheric Research and Teaching Radars—are capable of scanning and penetrating an entire tornadic storm or hurricane, providing critical data needed to understand the mysteries of how tornadoes form and for eventually improving severe storm forecasts and warnings.

During the past few years, scientists from NSSL completed several field experiments to study severe and hazardous weather. In 2003 and 2004, researchers launched weather balloons loaded with instruments into thunderstorms during the Thunderstorm Electrification and Lightning Experiment, or TELEX. The lightning observations they made will be used to improve forecasts and warnings of hazardous weather. In 2002, NSSL hosted the International H2O Project or IHOP, one of the largest weather-related studies ever conducted in the U.S.

NSSL has a research partnership with the Cooperative Institute for Mesoscale Meteorological Studies, a cooperative institute between the National Oceanic and Atmospheric Administration and the University of Oklahoma. Additionally, NSSL conducts collaborative research with other NOAH laboratories including the Forecast Systems Laboratory, the Environmental Technologies Laboratory, and the Great Lakes Environmental Research Laboratory, as well as the U.S. Navy, Air Force, Army, Department of Transportation, Federal Aviation Administration, Texas A&M, Texas Tech University, Lockheed Martin, Basic Commerce and Industries, Weather Decision Technologies, WeatherNews International, Inc., WeatherData, Inc., and Salt River Project.

I congratulate the National Severe Storms Laboratory in Norman, OK, on their first 40 years. Based on their performance since 1964, I believe we can expect many more years of pioneering scientific research from this outstanding institution, their academic, government and private sector partners, and their many scientists and technicians.

LOSING GROUND

Mr. LEVIN. Mr. President, it has been nearly a month since Republican congressional leadership and the President allowed the assault weapons ban to expire. This lack of action made it potentially easier for criminals and terrorists to acquire 19 previously banned assault weapons that could be used to harm innocent Americans. Adding insult to injury, the House of Representatives last week passed legislation that would make families in the Nation's capital even more susceptible to gun crime.

The misnamed District of Columbia Personal Protection Act, which passed the House last week, would repeal a local law in Washington, DC that bans the sale and possession of unregistered firearms, requires firearm registration, imposes commonsense safe storage requirements, and bans semiautomatic weapons in the District. Should this bill become law, tourists and especially those who live and work in our Nation's capital will face a considerably greater threat of gun violence.

According to the Brady Campaign To Prevent Gun Violence, this bill would roll back gun laws in D.C. to a point that it would be legal to possess a loaded assault rifle on city streets without a permit. Over the strong objections of local leaders, the Republican-controlled House made the unwise decision to take up and pass this legislation even as we face the increased threat of terrorism. Hopefully the Senate will not make the same mistake.

Unfortunately, instead of making progress on the issue of gun safety, we seem to be retreating. Instead of strengthening laws that would help prevent future gun crimes and terrorist attacks, they are being weakened giving potential criminals and terrorists easier access to weapons that have no place on our streets. I will continue to work toward reversing this course and toward passing sensible gun safety legislation that will make our communities more, instead of less, safe.

ANABOLIC STEROID CONTROL ACT

Mr. MCCAIN. Mr. President, I am pleased that the Senate has passed S. 2195, the Anabolic Steroid Control Act, and I commend my colleagues Senators HATCH and BIDEN for their commitment to this important legislation.

While S. 2195 is a positive first step toward protecting the public health, our work is not complete. We must continue to explore ways to improve the Dietary Supplements Health and Education Act, DSHEA, which has provided safe harbor for substances like those made illegal by S. 2195. We must make it more difficult for dietary supplement manufacturers to place harmful substances into the stream of commerce, and require that such manufacturers report to the Food and Drug Administration, FDA, adverse health events suffered by consumers when using their products. We must also demand that best practices for the manufacture of dietary supplements be developed by the FDA and followed by the supplement industry to ensure the efficacy and safety of these products.

RWANDA AND SUDAN: SIMPLY RECOGNIZING GENOCIDE IS NOT ENOUGH

Mr. DURBIN. Mr. President, this summer and fall, a lot of us have been drawing comparisons between Sudan today and Rwanda a decade ago. The October 4, 2004 edition of the New York Times contains a piece furthering this argument by one who is uniquely qualified to do so: retired General Roméo Dallaire, who was the commander of the United Nations forces in Rwanda during the genocide.

Ten years ago, General Dallaire pleaded for more troops to stem the rising tide of murders that were sweeping across Rwanda. Instead of sending reinforcements, the United Nations cut his peacekeeping force from 3,000 to 500, leaving Dallaire and his troops to witness the mass killings that they did not have a prayer of stopping. In the aftermath of this decision, 800,000 people died in 100 days.

Ten years ago, the African Union promised battalions to stop the killing but lacked the equipment and logistical support to come to the assistance of Dallaire and the people of Rwanda. Those forces never arrived in any numbers.

Today, genocide is again taking place, this time in Sudan. Secretary General Kofi Annan has recognized it. President Bush has recognized it. But

again the world is essentially standing by.

Last month, the Senate passed an amendment to the Foreign Operations appropriations bill which provided $75 million to support an expanded African Union mission in Darfur, Sudan. This bill is now in conference. It is vitally important that it pass with this measure and additional assistance for Sudan relief efforts intact.

President Clinton has said that failure to act in Rwanda constitutes his greatest regret as president. That is not a failure that we can bear to repeat. It is not enough for the international community to recognize genocide. This time, we actually have to stop it.

I ask unanimous consent that General Dallaire's op-ed from the New York Times be printed in the RECORD.

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

[From the New York Times, Oct. 4, 2004]

LOOKING AT DARFUR, SEEING RWANDA

(By Romeo Dallaire)

MONTREAL.—Each day the world is confronted by new reports of atrocities in the Darfur region of Sudan. President Bush, in his address to the United Nations General Assembly last month, referred to the situation as ''genocide,'' and he and Secretary General Kofi Annan pledged support for sanctions against the Sudanese government and a Security Council resolution to expand the African Union force on the ground there. But I am afraid that moral condemnation, trade penalties and military efforts by African countries are simply not going to be enough to stop the killing—not nearly enough.

I know, because I've seen it all happen before. A decade ago, I was the Canadian general in command of the United Nations forces in Rwanda when that civil war began and quickly turned into genocide. The conflict was often portrayed as nothing more than an age-old feud between African tribes, a situation that the Western world could do little to stop. All that was left to do was wait to pick up the pieces when the killing stopped and to provide support to rebuild the country.

Although the early stages of the Darfur situation received more news coverage than the Rwanda genocide did, at some level the Western governments are still approaching it with the same lack of priority. In the end, it receives the same intuitive reaction: ''What's in it for us? Is it in our 'national' interest?''

Sudan, an underdeveloped, orphan nation, with no links to colonial masters of its past, is essentially being left to its own devices. The Islamic Janjaweed militias of Darfur, with the complicit approval of the government, are bent on ridding the region of its residents, primarily black Africans—killing, raping and driving refugees into camps along the border with Chad.

The United Nations, emasculated by the self-interested maneuverings of the five permanent members of the Security Council, fails to intervene. Its only concrete step, the Security Council resolution passed in July, all but plagiarized the resolutions on Rwanda 10 years earlier. When I read phrases like ''reaffirming its commitment to the sovereignty, unity, territorial integrity and independence of Sudan'' and ''expressing its determination to do everything possible to halt a humanitarian catastrophe, including by taking further action if required,'' I can't help but think of the stifling directives that were imposed on the United Nations' department of peacekeeping operations in 1994 and then passed down to me in the field.

I recall all too well the West's indifference to the horrors that unfolded in Rwanda beginning in April 1994. Early warnings had gone unheeded, intervention was ruled out and even as the bodies piled up on the streets of Kigali and across the countryside, world leaders quibbled over the definition of what was really happening. The only international forces they sent during those first days and weeks of the massacres were paratroopers to evacuate the foreigners. Before long, we were burning the bodies with diesel fuel to ward off disease, and the smell that would cling to your skin like an oil.

Several African countries promised me battalions of troops and hundreds of observers to help come to grips with the relentless carnage. But they had neither the equipment nor the logistical support to sustain themselves, and no way to fly in the vehicles and ammunition needed to conduct sustained operations.

Today, to be sure, the international community is caught in the vicissitudes of complex political problems—particularly the fragile cease-fire between the Islamic government and the largely Christian population in southern Sudan. Powerful nations like the United States and Britain have lost much of their credibility because of the quagmire of Iraq. And infighting at the United Nations has bogged down an American proposed second resolution that probably wouldn't do much more than the one passed in July.

So in the end we get nothing more than pledges to support the international monitoring team of a few hundred observers from the African Union (on Friday, Sudan agreed that this force could expand to 3,500 soldiers). Nigeria and other countries are willing to send a larger intervention force, but they can't do so effectively without the kind of logistical and transportation support Western countries could provide.

Sudan is a huge country with a harsh terrain and a population unlikely to welcome outside intervention. Still, I believe that a mixture of mobile African Union troops supported by NATO soldiers equipped with helicopters, remotely piloted vehicles, night-vision devices and long-range special forces could protect Darfur's displaced people in their camps and remaining villages, and eliminate or incarcerate the Janjaweed.

If NATO is unable to act adequately, manpower could perhaps come individually from the so-called middle nations—countries like Germany and Canada that have more political leeway and often more credibility in the developing world than the Security Council members.

In April, on the 10th anniversary of the start of his country's genocide, President Paul Kagame told his people and the world that if any country ever suffered genocide, Rwanda would willingly come to its aid. He chastised the international community for its callous response to the killing spree of 1994, during which 800,000 people were slaughtered and three million lost their homes and villages. And sure enough, Rwanda sent a small contingent to Darfur. President Kagame kept his word. Having called what is happening in Darfur genocide and having vowed to stop it, it is time for the West to keep its word as well.

MAKING THE MOST OF FOREIGN ASSISTANCE: FAMILY PLANNING AND DEVELOPMENT

Mr. DURBIN. Mr. President, today I would like to talk about a critical subject, the need to support family planning as part of our international development agenda.

Family planning saves lives. It is a basic health service, especially in parts of the world such as Malawi where 1 in 7 mothers die in childbirth or Mozambique where 137 infants die per 1,000 live births and where life expectancy is just 37 years.

This is a health issue and it is a development issue because the two are virtually always related.

Ten years ago, members of the United Nations met in Cairo to draft a 20-year action plan to alleviate poverty through women's empowerment and universal access to reproductive healthcare.

Recently, a new report by UNFPA has come out, ''The Cairo Consensus at Ten: Population, Reproductive Health, and the Global Effort to End Poverty.'' This report assesses how far we have come and how far we have to go and argues that we have to mobilize political will and international assistance if we are going to build on previous gains.

This report revealed that, a decade after the Cairo meeting, more than 350 million couples still lack access to a full range of family planning services. It found that almost 530,000 women die each year from complications of pregnancy and childbirth, mostly from preventable causes. It also found that 2 out of every 5 people on the planet still struggle to survive on less than $2 a day, and many of them earn less than half that tiny amount.

The report concluded:

> Policy makers have been slow to address the inequitable distribution of health information and services that helps keep people poor . . . Developing countries that have reduced fertility and mortality by investing in health and education have higher productivity, more savings and more productive investment, resulting in faster economic growth. Enabling people to have fewer children, if they want to, helps to stimulate development and reduce poverty, both in individual households and in societies. Smaller families have more to invest in children's education and health. Rapid population growth contributes to environmental stress, uncontrolled urbanization and rural and urban poverty.

However, United States funding for UNFPA, which Congress has repeatedly passed, has not been distributed because the administration has refused to do so. Releasing the funds for UNFPA, which the administration has cancelled for the last 3 years, is a great way to help countries alter this template of maternal and child mortality, poverty, and under development.

This issue isn't about coercive abortion in China. UNFPA has a program to end coercive abortion in China. It is not about abortion at all. The UNFPA does not provide any support for abortion.

This is about providing health services for desperately poor women and their families.

The administration's own investigative team looked into UNFPA and

found no evidence of wrongdoing and urged immediate and unconditional release of these funds.

Study after study has shown that development is fundamentally about women: dollars go further and programs mean more when they reach women. Increasing women's access to education, health care, and human rights brings enhanced child health, improved food production, lower population growth rates, and higher incomes—in short, better quality of life for women and their families.

Reproductive health is an important component of this agenda, especially when we look at maternal and child mortality rates. That is why it is so important that we support the UNFPA and in the process advance our other foreign assistance goals.

NUCLEAR ENERGY FOR A BALANCED ENERGY PORTFOLIO

Ms. LANDRIEU. Mr. President, I rise to endorse S. Con. Res. 141 offered by Senator DOMENICI recognizing the essential role that nuclear power plays in our society.

The U.S. Senate must recognize the important role that nuclear energy plays in our Nation's economy, our Nation's energy independence and security, and our Nation's environmental goals. And, we need to acknowledge that like nearly every other source of energy, nuclear power needs our help to continue playing its important role in our Nation's energy policy.

Nuclear energy currently generates electricity for one in every five homes and businesses today. It is important not only in Louisiana, where two nuclear plants produce nearly 17 percent of my State's electricity, but also in States such as Connecticut, Illinois, New Hampshire, New Jersey, South Carolina and Vermont where nuclear generates more electricity than any other source. Nationwide, 103 reactors provide 20 percent of our electricity—the largest source of U.S. emission-free power provided 24–7.

Nuclear energy is also vitally important for our environment and our Nation's clean air goals. Nuclear power is the Nation's largest clean air source of electricity, generating three-fourths of all emission-free electricity. For future generations of Americans, whose reliance on electricity will increase and who rightfully want a cleaner environment and the health benefits that cleaner air will provide nuclear energy will be an essential partner.

Just this past Sunday, the Washington Post highlighted the problems that the Shenandoah National Forest now faces with pollution. Think how much worse our Nation's air pollution would be if nuclear energy did not generate one fifth of our electricity.

According to the Department of Energy the demand for electricity is expected to grow by 40 percent by 2020. In order to continue producing at least one-third of our total electricity generation from emission-free sources, we must build 50,000 megawatts of new nuclear energy production. If we do that, we are just preserving our current levels of emission-free generation, not improving them.

And, we need to recognize that nuclear power, by providing a stable, dependable source of electricity, is vital to our Nation's energy security and independence. Nuclear power is essentially an American invention. We generate nearly a fourth of the world's total nuclear power and we can do so with domestic energy sources. Hydrogen holds the promise of helping us lessen our dependence on imported oil and nuclear power is one of the most promising ways that we can produce hydrogen economically and efficiently.

There is a nuclear power renaissance in the making. Three of the Nation's leading nuclear power operators have already applied for an early site permit to build a new nuclear plant next door to an existing nuclear plant they operate, testing the Nuclear Regulatory Commission's new licensing process for the first time. Also, just a few months ago, nine nuclear operating companies and the two major U.S. power reactor manufacturers formed the NuStart Energy consortium to apply for a construction and operating license, COL, to test the regulatory process for actually building and operating the next generation of nuclear power plants.

These are positive signs that the U.S. nuclear power industry is alive and ready to build and operate the next generation of nuclear power—still without emitting any air pollutants, increasing our energy independence, and using the safest designs ever.

Today 29 new plants are being built around the world in 16 counties—most using a design that originated here in America—but not one of them is in the U.S. That must change.

I urge my colleagues to support this critical resolution which will further promote a vital source of energy while helping to pave the way towards improving our Nation's energy security.

ART THERAPISTS VITAL TO THE CARE OF VETERANS

Mr GRAHAM of Florida. Mr. President, today I bring attention to the impressive work that art therapists do with our Nation's veterans and the significant accomplishments they have made in this field. Art therapists provide effective treatment and health maintenance intervention for veterans, focusing on all of their life challenges, such as mental, physical, and cognitive impairments. Intense emotion and memory, often difficult to convey in words, often are more easily expressed in images with the guidance of a trained clinician.

Art therapists are master's level mental health practitioners trained in psychology, psychotherapy, and the interface with the arts modality. The American Art Therapy Association establishes national academic standards of education and clinical practice. After September 11, art therapists assisted both survivors and the bereaved, drawing out their traumatic experiences and dealing pictorially with the horror as they moved through the various stages of grief. Similarly, art therapy is used with veterans who struggle with Post Traumatic Stress Disorder (PTSD).

Research has demonstrated that traumatic memory is not stored in a fashion that can be expressed only through words. Instead, it is retained as visual, auditory, olfactory, and other sense mechanisms. Images may return as flashbacks or nightmares that the veteran is unable to integrate as memory. As a result, these impressions remain a toxic force, causing intense fear and leading the veteran to try to shut off all memory and emotion and possibly leading to depression, the inability to properly function day to day, and estrangement from family. The traumatic experiences that a veteran is unable to discuss or confront, however, can instead surface through artwork. The process of creating the artwork and externalizing intense issues help the veteran to regain control, integrate horrors into manageable memory, and allow feelings to be experienced again.

For example, a former Marine who served in Vietnam and struggled for years with feelings of inadequacy and fear in crowds benefitted considerably from art therapy. He has said that it enabled him to address problems he otherwise did not have access to, thereby helping him to ''mourn the pain. . . overcome . . . and feel comfortable within'' himself. Another serviceman drew out his dreams as a way of placing combat experiences into the past and therefore to function more effectively in the present. Such life-enhancing and cost-efficient intervention is not only viable as a treatment option, but may be preventive by forestalling full-blown PTSD. Given the number of veterans gradually returning from the current war in Iraq, art therapy has the potential to assist them as a form of rehabilitation. The American Art Therapy Association is currently investigating possible sites and funding sources for conducting outcome studies on the efficacy of art therapy with veterans.

I would also like to mention with pride that more than 100 registered art therapists live and work in my home State of Florida. These therapists practice all across the State, from my hometown of Miami all the way up to the Panhandle. I am so pleased that almost every veteran—or anyone else—residing in Florida has access to the benefits art therapy can offer.

As ranking member of the Committee on Veterans' Affairs, I support the use of art therapy programs in the Department of Veterans Affairs health care facilities, and I recognize the contribution of art therapists to the effective reintegration, enhanced coping,

and quality of life for our veterans. During this crucial time in the history of our Nation, I encourage my colleagues in Congress to do the same.

SUPPORTING DEMOCRACY IN BELARUS

Mr. CAMPBELL. Mr. President, I welcome the unanimous passage of the Belarus Democracy Act, BDA, by the United States Senate last night following similar action by the House of Representatives earlier this week. As co-chairman of the Helsinki Commission, I am particularly pleased at timely adoption of this important legislation. I thank Chairman LUGAR and Senator BIDEN for their assistance in facilitating consideration of this bill by the full Senate.

Repression and stagnation have been the hallmarks of the regime of Aleksandr Lukashenka, the leader of Belarus who increasingly tightened the noose around those who express independent views. A series of fundamentally flawed elections have left Belarus without legitimate executive and parliamentary leadership. Against this backdrop, preparations are underway for parliamentary elections and a referendum later this month. The elections take place in an environment in which the regime has intensified its repression of the remaining independent media and vilification of the opposition and their supporters. Lukashenka is also seeking to manipulate the situation to extend his rule by eliminating constitutional term limits for president, possibly paving the way for him to become a ''president-for-life.''

As co-chairman of the Helsinki Commission, I have maintained a strong interest in Belarus and have tried to inform my Senate colleagues about the increasingly troubling developments in that strategically located country, whose 10 million people have suffered cruelty at the hands of czars, Nazis, Communists and now, Aleksandr Lukashenka. During my service on the Commission, I have met and come to know many of the courageous individuals, who often at personal risk have spoken out in support of democracy in the face of Europe's last dictatorship, including the spouses of opposition leaders and a journalist who disappeared in 1999 and 2000 because they dared speak to the truth.

Belarus, under Lukashenka, has the worst human rights record in Europe. His regime has increasingly violated basic human rights and freedoms. The goal of the Belarus Democracy Act is to help put an end to repression and human rights violations in Belarus and to promote Belarus' entry into a democratic Euro-Atlantic community of nations following years of self-imposed isolation.

The Belarus Democracy Act authorizes additional assistance for democracy-building activities such as support for NGOs, independent media, including radio broadcasting to Belarus, and international exchanges. It also encourages free and fair parliamentary elections, which have been notably absent in Belarus and which look to be highly problematic when they are held on October 17, judging by the pre-election environment and the regime's tight control over the electoral process.

The BDA includes sense of the Congress language that would prohibit U.S. Government financing, except for humanitarian reasons and U.S. executive directors of the international financial institutions would be encouraged to vote against financial assistance to the Government of Belarus except for loans and assistance for humanitarian needs. The bill also requires a report from the President concerning the sale of delivery of weapons or weapons-related technologies from Belarus to rogue states and on the personal wealth and assets of Lukashenka.

Nearly 2 years after the introduction of the Belarus Democracy Act the situation in that country has spiraled downward. Adoption and implementation of the Belarus Democracy Act will offer hope that the current period of political, economic and social stagnation will indeed end. It shows our concrete support for the courageous individuals, non-governmental organizations, independent media and independent trade unions struggling mightily against the machine of repression. And it shows our support for the people of Belarus, who deserve a chance for a brighter future.

DISPERSAL BARRIER

Mr. DEWINE. Mr. President, I want to thank Senator JEFFORDS from Vermont for his recognition of the situation we are facing in the Great Lakes with Asian carp. We are currently trying to keep this invasive species out of the Great Lakes ecosystem by constructing a dispersal barrier in the Chicago Sanitary and Ship Canal. It is very important that this barrier be completed soon before this destructive invasive species makes it way to the Lakes. I know that my colleague from Vermont has the same problem in Lake Champlain, and I plan to do everything I can in the next Congress to work with him to authorize and fund a dispersal barrier for Lake Champlain.

Mr. JEFFORDS. Invasive species are a problem in Lake Champlain in my home State of Vermont. The Lake Champlain ecosystem and regional economy have been seriously impacted already by invasive species, many of which dispersed to the lake from the Hudson River by way of the Champlain Canal. Eurasian Milfoil and Water chestnut have rendered much of southern Lake Champlain unusable for recreation and stripped value from waterfront properties. Hundreds of thousands of dollars each year are spent to control these plants. The sea lamprey has devastated our sport fishery, and large amounts of money are being spent on control, with only mixed results. These are just a few species. Once here it is nearly impossible to eliminate these invaders and even marginally controlling them is hugely expensive.

Other invasive species have not yet reached Lake Champlain but have spread widely throughout the Hudson and/or Great lakes drainages. We know they are coming and must act now to keep them out. These include fish like the Asian carp, Eurasian ruff, round goby, alewife and tench. Any one of these could change the Lake Champlain ecosystem in catastrophic ways, and each is moving toward the basin. Invertebrate species such as the spiny waterflea and fish hook flea, as well as aquatic plants are also of concern.

Because of the success of the dispersal barrier in the Chicago Sanitary and Ship Canal, we are looking for a similar barrier for the Lake Champlain Canal to keep more invasive species out of Lake Champlain. A barrier will also protect the Hudson River drainage from invasive species that may arrive first from the north, like a particularly damaging fish, the tench.

We must move quickly to complete design, and to construct a dispersal barrier in the Lake Champlain Canal. Time is of essence.

Mr. VOINOVICH. I thank the Senator from Vermont and recognize that his State is facing similar problems and I pledge to work with him and the Environment and Public Works Committee to advance authorization for a Lake Champlain Canal dispersal barrier through both the Water Resources Development Act and the National Aquatic Invasive Species Act in the next Congress.

Mr. LEVIN. I would like to join my colleagues in supporting the need for the Chicago Sanitary and Ship Canal dispersal barrier and pledge to work with my Great Lakes colleagues and Senator JEFFORDS to address the invasive species problems in Lake Champlain through the authorization of a dispersal barrier. I also am pleased to join my colleagues in our pledge to move the National Aquatic Invasive Species Act forward in the next Congress.

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.

On January 25, 2001 in Washington, D.C., police arrested a 17-year-old in a gay bashing incident in the Dupont Circle area after the youth and another young man followed two men leaving a

gay bar while shouting ant-gay epithets at them. After attacking the victims, the youths fled when passerby said they had called the police.

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.

HONORING FAVORITE TEACHERS

Mr. DAYTON. Mr. President, nearly 4,000 Minnesotans honored their favorite teacher at my Minnesota State Fair booth this summer. I would like to honor these teachers further by submitting their names to the CONGRESSIONAL RECORD as follows:

Lanesboro Elementary—Helen Simen; LaPorte High School—Joyce Stillwater; Las Virgenes Unified School—Larry Sandirs; Laura MacArthur Elementary School—Larry Yadlowski; Le Center Elementary School—Mary Spartz; Le Center Secondary School—Erik Buckman; Le Maison D'Enfant—Cecile Gaultier, Sandrine Perigaud; Learning Center for Children (Minneapolis)—Barbara Novy; LeCenter Elementary—Elizabeth Traxler; LeCenter High School—Tony Boyer, LeRoy Edlund, Robyn Menk; Lehman Center—Heather Turngren; LeRoy High School—Barb Payne; Leroy-Ostrander High School—Norm Hansen; LeSueur Elementary—Patti Doshan, Tom Quiram, Rachel Sorenson; L'Etoile du Nord French Immersion—Laura Handley, Madam Keil, Maureen Peltier, Mary Rddad, Peggy Russel, Ms. Stevens, Tammy Trouchu; Lewiston-Altura—Julie Schneider; Liberty High Charter School—Gary Knox; Lily Lake Elementary—Laine Belter, Sally Davis, Mrs. Kocian, Mrs. Lein, Ricky Michels, Joan Teppen, Brad Utzman; Lincoln at Mann Elementary—Jane Barton, Stephanie Koenig; Lincoln Center Elementary—Gretchen Brandt, Mrs. Christenson; Lincoln Elementary (Anoka)—Mr. Dickens, Mr. Koenig, Karen Krantz, Baiying Wu; Lincoln Elementary (Elk River)—Cherly Howard, Mrs. Ostroot; Lincoln Elementary (Fairbault)—KeriJo Kielmeyer; Lincoln Elementary (Minneapolis)—Mr. Lundquist; Lincoln Elementary (White Bear Lake)—Teri Beckers, Ms. Gahm, Mr. Healy, Mary Ellen Mieure, Debbie Thiebalt; Lincoln H.I. Elementary (Hendricks)—Barbara Nelson; Lincoln High School (Esko)—Jen Hoffman; Lincoln High School (Lake City)—Becky Kearns; Lincoln High School (Thief River Falls)—Calvin Lindberg, Regina Olson; Lincoln K–8 Choice School (Rochester)—Linnea Archer, Elizabeth Koehler, Stephanie Koenig, Beth Napton; Lincoln Secondary School (Ivanhoe)—Mr. Nelson; Lindbergh Elementary—Mary Jo Schultz; Lino Lakes Elementary—Mary Jfortney; Linwood A+ Elementary School (St. Paul)—Kimberly Kroetsch; Linwood Elementary (Wyoming)—Mr. Knox, Heather Peterson, Jan Peterson, Mr. and Mrs. Urness; Litchfield High School—Gary Hein, Jo Carlson, Linda Heggedal-Hart, Keith Johnson, Greg Mathews; Little Canada Elementary—Jerene Mortensen, Barbara Schochenmaier; Little Falls High School—John Ahlin, Carolyn McGrath, Luverne Powers; Little Falls Public Schools—Anne Rebischke; Little Mountain Elementary—Lee Tracy; Living Hope Lutheran School—Nicole Dub; Lomarena Elementary (Laguna Hills, CA)—Sharon Hinds; Long Prairie Grey Eagle Elementary—Brach Czech, Mr. Gustafson, Darlene Mareck; Longfellow Elementary (Minneapolis)—Ms. Abrahamson, Jan Nethercut; Longfellow Humanities Magnet School (St. Paul)—Ms. Filipek-Johnson; Longfellow Middle School (LaCrosse, WI)—Laurie Strand; Loring-Nicollet Alternative High School—Marin Peplinski; Los Angeles, CA—Margaret Truppi; Lourdes High School—Mr. Rhabe; Lower East Side, NY, NY—Goldie Brown; Lucy Laney at Cleveland Park Elementary—Lisa Brown, John Cearnal, Janice Evans, Trina Mansfield, Ms. Schroeder, Opal Toy; Lutheran High School—Paul Schlif; Luverne High School—Esther Frakes, Jim Sanden; Lyle Elementary School—JoAnn Guthmiller; Lyndale Elementary—Gene Ruder; Mable Barron School, Stockton, CA—Sarah Fleutsch, Eddie Gehrke; Macalaster College—Mahnaz Kousha; Macalaster Plymouth United Church Preschool—Sue McMahan; Maddock Public Schools—Penny Leier, Madelia Elementary—Caryn Anderson; Madelia High School—Terry Arduser, Debra Nelson; Madison Elementary (Blaine)—Mr. Lungee, Jennifer Warner, Linda Anderson, Amy Neuswanger; Madison Elementary (St. Cloud)—Mr. Ellingson; Mahtomedi High School—Joy Ganyo, Shelly Mitchel; Mahtomedi Middle School—Mrs. Bigalk, Claudine Goodrich, Jennifer Och; Main Elementary (Kodiak, AK)—Diane Getten-Langfitt; Manhattan New School, NY, NY—Mindy Gerstenhaber; Mankato East High School—Bob Gospeter, James Manske, Sheri Robinson; Mankato West High School—Scott Urban, Gwen Walz, Tim Walz, Jack Bengston; Mann Elementary—Jan Dixon, Heather Long, Judy Ronnei; Maple Grove High School—Terry Caruso, Susan Hein, Larry Larson, Caroline Mullins, Jane Ruohoniemi, Jutta Schubert; Maple Grove Junior High—Doug Anderson, Amy Bradley, Mike Olson; Maple Lake East Middle School—Mark Jenzen, Dan Kraft; Maple River Central Elementary—Cathy Schroeder; Maple River High School—Susan Goecke, William O'Brian; Maplewood Middle School—Ms. Cartier, Mr. Petermen, Peter Evans, Faye Ormseth, Mrs. Willer; Maranatha Christian Academy—Tim Ford; Marcy Open Elementary—Mariann Bentz, David Bruns, Lynn M, Jay Scoggin, Nicky Sendar, Greg Krueger, Rhonda Geyette; Marine Elementary—Nancy Wisniewski; Marion W. Savage Elementary—Carl Berg, Lisa Christen, Barb Fiola; Martin County West High School—Sylvan Struck; Mary Queen of Peace—Mrs. Leider, Mrs. Nowak; Mason-Rice Elementary—Leslie Kahn Skornik; Maternity of Mary—Mrs. Babineau, Mrs. Fauskee, Gloria Ross; Math and Science Academy—Eric Kaluza, Paul Simone; Maxfield Magnet Elementary—Mrs. Fredrickson; Mayo High School—Steve Brehmer, Marilyn Thompson-Hoerl; McCluer North High School—Mary Pitilangas, Ellen Bowles; McCormick Middle School—Richard Gundlach; McGuire Junior High—Mr. Zeman; McKinley Elementary—Joe Hirte, Kathy Kolle, Gloria Steffenson; Meadow Lake Elementary—Tonya Larson, Matt Phelps; Meadowbrook Elementary—Jack Anderson, Karen Carlson, Angelette Kittrell, Steve Miller, Judy Skalicky, Sue Young, Lesley Hendrickson; Meadowvale Elementary—Darcy Doty, Amy Crocker; Meadowview Elementary—Erica Rach; Medford High School—Mr. Davis; Melrose High School—Dave Anderson; Menahga High School—Mr. Honga, Timothy Wurdock; Mendota Elementary—Deb Manthey, Julie Weisbecker; Mesabi East Elementary—Arnie Nellis, Denise Erchul; Metcalf Junior High School—Mark Challgren, John Jacobson, Steven Orth; Metro Deaf School—Lisa Ewan, Kevin Kovacs; Metro State University—Mary Kirk; Metropolitan Learning Alliance—Stephanie Wheelock; Middleton Elementary—Liz Bergdall, Heather Bestler, Ms. Wetschka; Milaca Elementary—Randy Johnson; Milaca High School—David Dillan, Randy Zimmer, Andrea Rusk; Minniapple Montessori—Maria Malm; Minneapolis—Michelle Cambrice, Mark Hymen, Chris Jaglo, Norma Johnson, Tom Muelhlbauer, Mrs. Solum, Mark Trumper, Barb Wasmoen, Nate Wayne, Ruben Wenzel; Minneapolis Community Technical College—Gregg Kubera; Minneapolis Educational Service Center—Dorothy Hoffman; Minneapolis Jewish Day School—Lori Bale, Patty Baskin, Andi Cohen, Mrs. Kaplan, Sue Norton, Julie Ziesman; Minneapolis Public School—Mary Jo Meagher, Cheryl Ryan; Minneapolis South High School—Margie Adamsick; Minnesota Business Academy—Mr. Tillman; Minnesota North Star Academy—Mandy Frederickson; Minnehaha Academy—Camella Whaley, Ms. Scholl, Mrs. Ameter, Mrs. Classen, Mr. Erickson, Carolyn Forsell, Deb Fondel, Mrs. George, Renee Hecker, Bob Noble, Naomi Peterson, Nancy Ringling, Mr. Scholl, Paulita Todhunter, Michelle Vitt; Minnesota State University, Moorhead—Sarah Smedman; Minnesota Transitions Charter School—Jennifer Struck; Minnesota Virtual Academy—Jen Ingalls; Minnesota Waldorf School—Mr. Angus, Mrs. Meany, Kirste Riehle; Minnetonka High School—Randy Nelson, Ernie Gulner, Doug Kennedy, Mrs. Pistner, Emily Rosengren, Amy Stafford, Ann Swanson, Judy Trombley; Minnetonka Middle School East—Mary Fenwick, Brian Getter, Rebbecah MacDougal, Rhonda Olson-Lundgren, Minnetonka Middle School West—Carina Grander, Joan Julien, Paul MacKinney, Tony Mosser, Matt Sell; Minnewashta Elementary—Melanie Casiday, Chris Haun, Kathy Larson; Mission Valley—Patricia Olsen; Mississippi Creative Arts Magnet School—Ms. Erno, Judy Sheldon, Judy Ewald, Karyn Wrenshall; Moline High School—Timothy Curry; Monroe Community (St. Paul)—Kath Olson, Anna Stanek; Monroe Elementary (Brooklyn Park)—Carol Allen, Joan Campe, Mrs. Hanson, Monica Magadan, Sue Steel, Carol Allen; Monroe Elementary (North Mankato)—Sandy Hatalstaed; Montevideo High School—Charlie Breest; Montevideo Middle School—Ralph Heidorn, Mark Johnson, John Mader; Montgomery-Lonsdale Elementary—Mrs. Anderson, Mrs. Wondra; Monticello District Offices—Jim Johnson; Monticello High School—Holly Herman; Monticello Middle School—Jennifer Uluen; Moorhead Junior High—Sharon Lucason; Mora High School—JoAnne Schuch; Moreland Elementary—Susan Birkoltz, Debbie Haefel, Maria Pasquerella; Morris Bye Elementary—Mrs. Holm, Nicole Huttner, Gerhardt Mahling, Aaron Olinyk, Ann Sangster, Barbara Nicholls, Besty Quist; Mosinee Middle School—Lynne Helbach; Mound Westonka High—Jim Kaeter; Mounds Park Academy—Maureen Conway, Mark Dallmann; Mounds View High School—Mavis Schwanz, Bonnie Bougie, Dan Butler, Greg Harman, Donna Johnson, Joe Keenan, Fred Kunze, John Madura, Kathy Miller, Bob Nelson, Gretchen Nesset, Philip Richardson, Ruthie Seidenkranz, Graham Wrigth, Ted Bennett, Richard Werner; Murdoch High School—Alice Peterson; Murdock Elementary—Donna Johnson; Murray County Central High School—Janet Opdahl; Murray County Central Secondary School—Dan Willadson; Murray Junior High—Billy Chan, Tim Chase, Mary Crowley, Mr. Hughes, John Krenik, Mr. Pearson; Museum Magnet—Lolita Cox, Mr. Jeffers, Flint Keller, Heather Seifert, Jennifer Keller; National American University—Tony Steblay; Nativity of Mary School—Pat Bohman, Diane Talley, Nativity of Our Lord

Elementary—Paula Bernabai, Jill Daley, Michelle Metzdorft, Vi Moser, Mrs. Scanlan; Mouqd-Westonka Secondary School—Mr. Kaeter; Mount Calvary Lutheran School—Karl Schmidt, James Spitzack; Mount Hope Redemption—Lutheran School—David Polzin; Mount Iron-Buhl High School—Ted Louma, Luke Weinens; Mount Olivet Nursery School—Sandra Keuhn; Mountain Lake High School—Jerry Cogue, Wade Nelson; Nellie Stone Johnson Elementary—Jonathan Berry; Neveln Elementary—Maryanne Heimsness, Linda Lind; New City Charter School—Mary Spoar; New Haven Community School—Elaine Arft; New Hope Elementary—Stephanie Hill, Paula Roberge; New London-Spicer High School—Lloyd Bakke; New Prague Intermediate Elementary—Margaret Kartek, Mark Shaughnessey, Mrs. Witt, Irma Langer; New Prague Middle School—Heidi Hagen; New Prague Senior High School—Pat O'Malley, Dan Puls, New Richland-Hartland-Ellendale-Genera Elementary—Sylvia Boettger; New Richmond Senior High School—Jim McCollum;

FIGHTING TERRORISM IN LATIN AMERICA

Mr. COLEMAN. Mr. President, as we contemplate reforms to better equip us to prevent and fight terrorism, I hope we will bear in mind the importance of the Western Hemisphere. As chairman of the Western Hemisphere Subcommittee, I am encouraged by the opportunities we have to work cooperatively with our regional neighbors on issues we all can benefit from. We have shared interests in promoting democracy, human rights, and the rule of law. We are stronger when we stand together as a hemisphere against terrorism, money laundering, and the trafficking of drugs, weapons, and people. Our greatest asset in the war on terror in Latin America and the Caribbean is the fact that we have so many willing partners throughout the region who share our values.

I recently came across an interesting study, written by Michael Johnson of the Council on Hemispheric Affairs, that discusses the threat of international terrorist groups in the Triborder region of Paraguay, Brazil and Argentina. I hope my colleagues will read this study and reflect upon the importance of addressing terrorism wherever it exists around the world.

I ask unanimous consent that study be printed in the RECORD.

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

U.S. FOREIGN POLICY IN SOUTH AMERICA'S TRIBORDER REGION

A REGION IN NEED OF SECURITY

Unstable institutions, rampant corruption and a struggling economy made Paraguay appear as an attractive venue for would-be terrorists to base their operations just a few years ago. However, with the newly formed Three Plus One Counterterrorism Dialogue consisting of Argentine, Paraguayan, Brazilian and an American intelligence-gathering team, terrorists seem to have decided to shy away from creating havoc in the region. Though no terrorist initiatives seem to have occurred in the tri-border region of Paraguay, Argentina and Brazil, experts from each of the countries feel that significant amounts of money laundering is taking place in the area—ending up funding terrorist acts in the Middle East. Current U.S. foreign policy in the area, therefore, will play an integral role in cleansing the area of terrorists as well as contain other illicit activities endemic to the region.

U.S. agencies have been monitoring clandestine activity in Paraguay for a number of years. However, only recently have they begun to increase their physical presence. According to various reports, the Drug Enforcement Agency (DEA) has more than doubled the size of its office in Asuncion. However, this does not automatically represent any change in the status quo. In the wake of terrorist strikes in the U.S., Paraguay's recent history of allegedly serving as a staging ground for militant Islamic groups such as Hezbollah and the Islamic Jihad certainly is drawing closer scrutiny.

On September 21, 2003, foreign ministers from the Organization of American States (OAS) nations met to discuss terrorism-related hemispheric security concerns. Portions of the talks dealt with the Southern Cone countries' long-standing belief that Paraguay has shown little concern in addressing the terrorist elements operating within its borders. Evidence shows that the U.S. has stepped up pressure on the tri-border countries to clean up the area and eliminate ''rogue elements.'' Hopefully, such an increase in the U.S. presence will yield all the returns that the Pentagon anticipates.

U.S. FOREIGN POLICY IN THE TRI-BORDER REGION

President Bush's call to sustain the war ''until every terrorist group of global reach has been found, stopped and defeated'' explains U.S. authorities' increase in the monitoring of developments in the tri-border area. For their part, tri-border countries have indicated that they intend to fully cooperate in helping the U.S. eliminate any terrorist threats in the region. Although Brazil and Argentina have increased their border security, Paraguay has perhaps assumed the strongest position in support of U.S. anti-terrorism efforts by asking the OAS to firmly support any U.S.-led retaliation.

Nevertheless, rhetoric and strong anti-terrorism stances by these nations fail to quell fears about the potential terrorist threat posed by illicit forces in the region. Paraguay's Foreign Minister, Jose Antonio Moreno, stated that 40 FBI agents arrived in Paraguay and were headed to Ciudad del Este, a ''transit point for shadowy groups.'' The inevitability of U.S. involvement in the area was reflected in statements made by the State Department and the former director of the FBI, Louis J. Freeh. The FBI's concern was rooted in a trip that Freeh took to South America in 1998 to assess security concerns. At the time, Freeh called for a multinational crackdown on crime, something he saw as an important step to establishing a hemispheric police alliance. He called the tri-border region ''a free zone for significant criminal activity, including people who are organized to commit acts of terrorism.'' Last April, the State Department warned that the governments of Paraguay, Brazil and Argentina are not capable of preventing Islamic terrorist actions originating from Paraguay's hub of militancy, Ciudad del Este.

The U.S. has offered its Special Forces to train and advise the Paraguayan military and national police in anti-terrorism and anti-drug tactics to combat the identified groups. U.S. Special Forces took a first step to making their presence felt in Paraguay earlier this year by participating with the country's military in a ''training exercise'' focused on combating drug traffickers. At the time, many thought that this maneuver closely resembled an anti-insurgency operation. Such an approach could signal a change in U.S. military policy in Paraguay, as further training could focus on anti-terrorism tactics.

9/11 CONNECTION

Ciudad del Este provides the kind of uncontrolled environment that can sustain criminal organizations—and terrorists. The 1992 Israeli Embassy bombing and the 1994 Argentine-Israeli Community Center bombing cast a spotlight on the baleful role being played by some elements of the Arab community in Ciudad del Este that it has since been unable to avoid. Because much of Paraguay's export business is underground, basically based on contrabanding, the situation leaves the Arab community suspect of helping to financially support Arab terrorist groups, although without clear proof is wanting. Although it may be unwise to assume that all black-market contrabandists are terrorists, police authorities believe that the amount of funds being generated by smuggling and money laundering that is being transferred within Paraguay to overseas banks is far more than any presumptive business activity in the country. It raises some suspicions in the minds of local police officials that some in the Arab community are supporting radical terrorism with the spoils of illegal trade.

Indeed, the U.S. State Department clearly advises that there are individuals and organizations operating in Ciudad de Este and along the tri-border area between Paraguay, Brazil, and Argentina, with ties to extremist groups. Brazilian Judge Walter Fanganiello Maierovitch, former National Drug Enforcement Secretary and now with the Giovanni Falconi Brazilian Criminal Sciences Institute, reports that Osama bin Laden is setting up an al-Qaeda unit near Ciudad del Este under the cover of the Arab community. The U.S. Government cannot confirm an al-Qaeda presence in the tri-border area. However, other radical Islamic extremists routinely rely upon illegal activities, such as drug and arms trafficking, to help fund terrorist activities throughout the world.

To achieve some control, 10 member countries of the OAS Inter-American Committee Against Terrorism (CICTE) participated in exercises in the tri-border area to highlight solidarity against extremist activities. The United States, Argentina, and experts from other countries are providing training to Paraguayan anti-terrorist police and military personnel. The objective is to ''maintain a presence in the area and to be able to raid homes of persons suspected of being involved in financing terrorism or of radicalized members of Islam residing in the tri-border area.''

THREE PLUS ONE COUNTERTERRORISM DIALOGUE

In 1998, Brazil, Argentina and Paraguay formed the Comando Tripartito—an operational body in which the three countries exchange information and perform work on the ground dealing with specific regional problems. This Tripartite Commission of the Triple Frontier served as a security mechanism, meeting several times a year in each of the member countries. However, due to the sensitive nature of the information exchanged, the data swapped between countries is not available to public scrutiny. In reality, the Comando Tripartito did little more than serve as a nominal organization, doing little to clamp down on money launderers and neutralize drug traffickers in the region.

Talks began to take on a more serious nature in the post 9/11 atmosphere, and the Southern Cone joined the bandwagon of anti-terrorist rhetoric. December of 2002 marked the first 3+1 Counterterrorism Dialogue between the tri-border countries and the U.S.

According to official State Department records, dialogue between the countries ''serves as a continuing forum for counterterrorism cooperation and prevention among all four countries.'' Argentine Embassy Political Counselor, José Luis Sútera, in an interview with COHA asserted, ''The 3 +1 Counterterrorism Dialogue, without question, is the chief board of exchanging information. The first meeting in Buenos Aires stemmed from American suspicions that Hezbollah and Hamas groups were harbored in the [tri-border region].'' The next meeting is scheduled to take place in Washington, DC on December 6, 2004.

''NO OPERATIONAL TERRORIST ORGANIZATIONS, NO AL-QAEDA PRESENCE''

In an interview with COHA, Dr. Jorge Brizuela, a high-ranking official in the Paraguayan Embassy in Washington, DC, stated, ''Terrorists have not been found in the zone. No information would indicate that terrorist activities exist in the zone—this has been reiterated on various occasions by the corresponding authorities and the necessary steps are being taken so money obtained in the tri-border region is not being sent to Arab countries.'' Though he agrees with Brizuela's assertion that ''al-Qaeda is not in Ciudad del Este,'' Argentina's Sútera recognized that ''suspicions still loom over Arabs who are sending money to terrorist groups in the Middle East.'' Such groups pose as charity organizations that seek to aid socially and economically stricken areas of Iran, while what they do is to donate the newly acquired funds to the terrorist cause of Hamas and Hezbollah.

The transcript of the 3+1 Counterterrorism Dialogue's December 3, 2003 meeting held in Asunción emphasized the delegation's stance that ''Although there continued to be reports in 2003 of an al-Qaeda presence in the tri-border area, these reports remained uncorroborated by intelligence and law-enforcement officials.'' Still, those assembled agreed that international terrorist funding and money laundering in the area remained an area of primary concern. Considering the priorities of money launderers and piracy crooks, the 3+1 understandably has organized a Financial Intelligence Organization under the umbrella of the Counterterrorism Dialogue. Last May in Buenos Aires, the four government delegations discussed the threats of banking activities that could lead to funding of terrorist organizations. Sútera has concluded that most of the terrorist-funding organizations had traveled to other parts of South America, though he declined to comment where he believed such groups had gone.

ARGENTINA'S COOPERATION

In separate interviews with COHA, Argentine officials like Sútera and Congressional Liaison, Mariano Enrico, both expressed the belief that Argentine authorities had initiated and bolstered Southern Cone efforts to clean up the tri-border region. According to a recent State Department document, ''Argentina continues to express strong support for the global war on terrorism and worked closely with the UN, the OAS, MERCOSUR and the U.S. to ensure full implementation of existing agreements.'' In particular, Argentine officials have shown their disposition to freeze assets of alleged terrorist-funding organizations/individuals.

Among the channels of communication connecting U.S. and Argentine officials is the line between the CIA and SIDE (Intelligence Sector of the Argentine State). Both SIDE and the CIA work in concert with Brazilian and Paraguayan secret service personnel. Another perhaps more crucial element in the war on terrorism in Latin America began as a result of an Argentine initiative; CICTE was organized in 1998 as a multination security plan for the region. Since then, Paraguay has cooperated openly with the Argentines. But, Brazil has had some reservations about instigating any anti-terrorism plans without proof of terrorism. However, since 9/11 the Brazilian sector of the CICTE team has offered full support for the organization as information among the three countries has passed with little inhibition.

PARAGUAY'S COOPERATION

Paraguay's role in the war on terrorism has never held a more important role than it does now. Though few terrorists per se have surfaced in the region, rumors of the possibility of some al-Qaeda connections to the region simply will not go away. While President Nicanor Duarte Frutos has determined that there is a domestic problem in Paraguay with fundraising that might support terrorist causes, many State Department officials have concluded that Paraguay's greatest impediment to the prosecution of suspected terrorists is the absence of an anti-terrorist law.

BRAZIL'S COOPERATION

President Luiz Inácio Lula has taken a greater initiative than perhaps has been the case of his predecessors in terms of combating terrorism, especially in the tri-border region. Foz do Iguaçu, Brazil's portion of the region, has received considerable scrutiny from the once aloof, but now rather concerned, Lula administration. The Brazilian president has ''vigorously condemned terrorism'' and calls such acts ''the insanity of perpetrators of terrorism.''

Though Lula's intentions merit praise, his country's shortage of resources and training have hindered its role in acting as a watchdog over the region. In an exclusive interview with COHA, Brazilian Embassy First Secretary of Political Section, Breno Costa, offered an explanation as to why Brazilian officials appear to act lethargically when it comes to terrorist concerns: ''At first it seemed like the U.S. was constantly alleging that the tri-border area harbored criminals and terrorists, yet they never specified where exactly in the region such evidence was forthcoming. So Brazil asked the U.S. for concrete evidence and, of course, not one piece of evidence. Just as the State Department reported last year, no terrorist cells are acting in the region.'' Costa went on to say that once evidence of money laundering was presented to the Brazilian government, officials in Foz do Iguaçu began to examine cash flow entering and leaving the city. Overall, Brazil has cooperated considerably with the other three countries involved in the counterterrorism dialogue, having signed all of the 12 UN conventions on terrorism and is a party to nine of them.

CONCLUSION

Clearly, the effort to prevent terrorism in Latin America has become a more salient issue since 9/11. With cooperation among the Southern Cone countries in conjunction with participation of the U.S., terrorist acts have a lower likelihood of occurring. Still, as the Afghanistan mountains provide a haven for terrorists in the Middle East, Ciudad del Este—if not properly monitored—could evolve as yet another hub for terrorism. Whereas the U.S. has supported and participated in the 3+1 Counterterrorism Dialogue, American leaders merit commendation.

TRIBUTE TO PAM BULINE

Mr. THOMAS. Mr. President, I rise today to recognize a key member of my team who I have worked alongside for almost 10 years now and most importantly, to mark a milestone of dedicated service to this body, the U.S. Senate.

On September 24, 2004, Pam Buline marked her 25th anniversary of working for the U.S. Senate. Twenty-five years all spent as a valuable aide to two Senators from the great State of Wyoming.

Pam began her career in the Senate back in 1979, working for former Senator Malcolm Wallop. In those days, Pam worked out of a little office in a town called Lander, WY. Upon my election to the U.S. Senate, Pam agreed to join my staff and continue her efforts to serve constituents in our State. I was extremely pleased to have a person with her degree of knowledge on so many important issues—she is invaluable.

Pam remains a crucial person on my staff. Her domain in Wyoming covers a wide array of issues, from land swaps, to American Indian issues, to snowmachines in Yellowstone and Grand Teton. I can always turn to Pam for good advice and a very thorough explanation of the issue at hand or as she says, ''the long and the short of it.'' Pam loves her job and the people she works with and I am extremely grateful that she is on my staff.

We are part of a team, my staff and I. Along with my wife, Susan, we all feel strongly bound to service for the people of Wyoming. Pam continues to be an invaluable member of that team. Her loyalty, while not rare in this great body, is special nonetheless.

As U.S. Senators, we all know how important it is to have staff around us that are trustworthy, and will do whatever it takes to make things work. I have been particularly fortunate to know Pam and work with her for the past 9 years. Wyoming and the U.S. Senate have been blessed by her service for the past 25 years. I know my colleagues, and her husband Jim, and son Robert, join me in saluting Pam. I look forward to working with her for many years to come.

NATIONAL MENTAL HEALTH WEEK

Mr. JOHNSON. Mr. President, I take this opportunity to note the importance of the week of October 3–9, 2004, which is National Mental Health Week. This annual event was created in the hopes that Americans would recognize and honor the challenge encountered by the mentally ill and their loved ones. This year, the theme of the National Mental Health Week is ''unity through disparities''.

Mental illnesses affect 22.1 percent of Americans over the age of 18. According to a National Institute of Mental Health 2001 survey, approximately 44.3 million Americans suffer from some form of mental illness. Conditions such as depression, bipolar disorder, schizophrenia, and obsessive compulsive disorder, together are ranked fourth of the ten leading causes of disabilities in

the United States. Such statistics clearly indicate that we cannot afford to ignore the needs of those living with a mental illness.

The impact of mental illnesses on the productivity of the United States is greatly underestimated. The Global Burden of Disease study, published by the National Institute of Mental Health, exposed that mental illness, including suicide, accounts for 15 percent of the burden of disease in established market economies. This study reveals that mental illness places a larger burden on the productivity of the United States than all cancers combined. Such findings reemphasize that more attention and resources need to be directed towards supporting the mentally ill.

Today millions of Americans living with some form of mental illness continue to be discriminated against on a daily basis by their insurance companies. Congress passed mental health parity legislation that went into effect January 1, 1998 to try and address this problem. This legislation was intended to require insurance companies that choose to provide coverage for mental health to offer the same lifetime cap as they do for physical illness. This legislation was meant to be a monumental first step in preventing discrimination against individuals with mental illness.

Since enactment of this legislation, insurance companies have not expanded their coverage, but instead have maintained just enough coverage to remain within the legal limits of the law. Today I call on my fellow Senators to support the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003, S. 486. Under this bill, full coverage equality with respect to health insurance coverage will be provided to those who are mentally ill. It is my hope that in the closing weeks before the close of the 108th Congress, that we can come together in a bipartisan manner and support S. 486, not only for those who suffer from mental illness and their families, but also to pay tribute to our colleague, the late Senator Paul Wellstone, who continuously fought for such parity during his service in the Senate.

ADDITONAL STATEMENTS

IN RECOGNITION OF CARL AND HESTER WHITE

• Mr. BUNNING. Mr. President, today I honor Carl and Hester White of Ludlowe, KY. On this day 60 years ago, they were married and they set out on the path of life together.

The commitment of 60 years of marriage is a truly magnificent accomplishment. This married couple has dedicated themselves to each other through thick and thin for the greater part of a century. This kind of faithfulness in marriage is no less than perseverance in the most important virtue of all, love of your fellow man.

Marriages are the bedrock of society and the foundation of responsible citizenship. I congratulate Carl and Hester on their sixtieth wedding anniversary. I hope they have many more wonderful years together. May God bless them.•

YOGI BHAJAN

• Mr. BINGAMAN. Mr. President, the death of one of New Mexico's most beloved and influential residents on Wednesday night has saddened all of us who knew him. Habhajan Sing Khalsa Yogiji was his full name, but his followers and friends worldwide knew him as Yogi Bhajan.

The spiritual teacher of hundreds of thousands of people, Yogi Bhajan was leader of the Sikhs in the Western Hemisphere. He chose New Mexico as one of several centers of business and residence in the United States, and it was at his home in Espanola that he died with family and friends near.

I have the privilege of Yogi Bhajan's friendship and support for more than 20 years. He was a dynamic, powerful person with a strong devotion to human rights, religious freedom, and good health. He was also a masterful businessman with a degree in economics who intimately understood the connection between food and health, and made health food a foundation for several hugely successful companies. ''Yogi Tea,'' for instance, is found in households around the world.

My thoughts and prayers are with his wife Bibiji and their children, his followers and his other friends. He was a teacher of all who came to know him. We have learned much from this man, and with his death we have lost a great and good friend.•

TULSA HISPANIC COMMISSION 25TH ANNIVERSARY

• Mr. INHOFE. Mr. President, the Greater Tulsa Area Hispanic Affairs Commission was established in 1979 by law by the city of Tulsa and Tulsa County. The commission was established due to the leadership and commitment of its founding members who include Mrs. Aurora Ramierez Helton, Mr. Jack Helton, Rev. Victor Orta, Dr. Luis Reinoso, Dr. Chris Romero, Mr. Joe Rodriguez and Mr. Carlos Vargas. The commission also was established thanks to the unconditional support of the then mayor of the city of Tulsa, James M. Inhofe, his chief of staff, Richard Soudriette, and the members of the Tulsa County Commission.

This year the Greater Tulsa Hispanic Affairs Commission celebrates its 25th anniversary. On this occasion it is important to recognize the accomplishments of the commission such as it was only the second commission of its type to be established in the U.S.A. The commission has helped countless people in the Hispanic community in Tulsa to find help in the areas of health, education and economic development. Also, the commission has played a fundamental role in promoting the values and cultural richness of the Hispanic community in Tulsa. The commission has organized numerous community festivals and cultural programs and has actively promoted teaching of Spanish, as well as English. Finally, the commission aided in the establishment of the sister city program between Tulsa, OK, and San Luis Potosi, Mexico, that to this day promotes friendship and understanding between the people of the United States of America and Mexico.

Today, I, JAMES M. INHOFE, United States Senator (R–OK) on behalf of my colleagues, do hereby congratulate the members of the Greater Tulsa Hispanic Affairs Commission on the occasion of their 25th anniversary. Also, I wish the commission well in its important work to promote greater understanding and appreciation of Hispanic heritage. Furthermore, I want to recognize the work of the commission to promote the cultural diversity of our Hispanic community, which plays such a vital part of the history of the city of Tulsa, the State of Oklahoma, and the United States of America.•

IN RECOGNITION OF CAPTAIN ROBERT C. WILKENS

• Mr. HOLLINGS. Mr. President, I would like to pay tribute to naval officer, and fellow South Carolinian, Captain Robert C. Wilkens. This fall, Captain Wilkens will retire from the United States Navy after 32 years of distinguished leadership, selfless service, and tireless commitment to our Navy and Nation.

Captain Wilkens served right here in the U.S. Capitol, as the Director of Pharmacy in the Office of the Attending Physician to Congress from 1981–1985. He then entered advanced training as a pharmacy resident at the Navy's flagship hospital, National Naval Medical Center, Bethesda, MD, 1986.

Wilkens continued with his career as the Pharmacy Clinical Coordinator and director of inpatient services at the Naval Hospital, Portsmouth, VA. Upon completion of that assignment in 1990, he became a Doctor of Pharmacy Candidate at the Medical College of Virginia in Richmond.

Captain Wilkens then served as the chairman of the Pharmacy Department at Naval Medical Center, San Diego, CA, from 1992–1999. By special request, he next served as the Specialty Leader and Consultant to the Navy Surgeon General for Pharmacy Policy at the Bureau of Medicine and Surgery in Washington, DC. Upon completion of that tour in 2001, Captain Wilkens returned to San Diego, and served once again as chairman of the Pharmacy Department at the Naval Medical Center.

I send best wishes on behalf of the United States Senate, for continued happiness and success to Captain Wilkens and his wife Linda as they begin the next chapter of their lives, with thanks from a grateful Nation for their loyal and dedicated service.•

WILLIAM S. RUPP

• Mr. TALENT. Mr. President, I rise today in honor of William S. Rupp of St. Peters, MO. I join his wife June, the rest of his family and his many friends in honoring and recognizing him on his 80th birthday, October 10, 2004.

A devoted husband, father of five and grandfather of 16, Bill's first 80 years have been rich and full. He has achieved a great deal and has contributed tremendously to his State and his country.

As a United States Marine in the Pacific Theater during World War II, Bill saw some of the fiercest fighting of the war. He served bravely for 3 years until he was honorably discharged in 1945.

Bill chose not to end his devotion to the military when he left the Pacific, and he has been a very active and highly effective veteran. He has served as chairman of the St. Peters Veterans Memorial Commission and helped design and coordinated the city's Veterans' Memorial site. He was also instrumental in the construction of St. Peters' Korean War Memorial. Bill is a member of Congressman TODD AKIN's Veteran Memorial Commission and Veterans of Foreign Wars Post 10838, where he has served as Commander, All-State Quartermaster, Safety Chair, Hospital Chair, Military Assistance Chair and Deputy Inspector.

In addition to veterans' affairs, Mr. Rupp has been involved in other important civic matters. While his children were in school, he served with distinction as president of the McBride High School Father's Club, president of the Rosary High School Parent Teacher Association and as a judge for the Amateur Athletic Union's 75th track meet. In addition, he is a past president of the Summerhill Association.

After his military service, Bill attended Washington University before becoming a marketing representative for Gateway Seed Company and a department manager for Famous-Barr Company. He attended St. Louis University High School and St. Roch's Catholic Grade School.

I am honored to congratulate Mr. Rupp on this special occasion. He has many accomplishments in his long life thus far, and I wish him many more years of happiness and success.•

COMMEMORATING THE INTEGRATION OF HOXIE SCHOOL DISTRICT

• Mrs. LINCOLN. Mr. President, it has been 50 years since the U.S. Supreme Court ruled in the 1954 landmark decision of Brown v. Board of Education that separate was not equal when it came to our children's education. That ruling changed the way that Americans are educated and opened up countless opportunities for all children, both black and white, to learn about and from one another.

Hoxie, AR, is a small town in the northeast corner of my state, with a population of just about 3,000 people. Prior to 1954, like many other schools in Arkansas and across the South, the Hoxie School District was segregated. To get an education, black children had to travel thirty minutes by bus to the neighboring town of Jonesboro where they attended Booker T. Washington School with other black students from around the region.

Following Brown, the Hoxie School Board unanimously voted to become one of the first schools in the South to begin integration. In the fall of 1955, Hoxie School Board members, faculty, students, and citizens stood together with 21 black children who enrolled and became the first black students to attend the Hoxie School system. This courageous step, in the face of opposition from around the state and across the Nation, helped open doors for future generations of students in Arkansas.

I recently had the honor of attending a reunion for the Hoxie Twenty-One, as they have come to be known in Arkansas. It was a wonderful event in which the community gathered to commemorate the integration of Hoxie School District. We paid tribute to the Hoxie Twenty-One and their families, as well as to the school officials and community leaders who paved the way for integration at Hoxie. The courage and resolve that the citizens of Hoxie showed in 1955 is an example of those who are willing to embrace the spirit of equality and to do what is right for every child in the community.

Today, Arkansas' children go to school in a different environment than that confronted by the Hoxie Twenty-One back in 1955. We certainly have more work to do to ensure that all of our children receive the best possible education, but I am pleased with the progress we have made over the last 50 years. It is my hope that America can continue to build on the foundation that Hoxie School District helped to create to ensure that all of our nation's children, no matter their race, are provided with the best educational opportunities available.•

RECOGNIZING THE McLEAN GIRLS LITTLE LEAGUE SOFTBALL TEAM

• Mr. ALLEN. Mr. President, I am very pleased today to recognize the 2004 McLean Girls Little League Softball team for their hard work and determination in representing both Virginia and the South in the 2004 Girls Little League World Series tournament.

These young athletes, under the strong coaching of Jamie Loving, devoted a tremendous amount of time and energy in their efforts to make it to the World Series tournament in Portland, Oregon. Throughout their season, they showed courage and fortitude in winning the State competition with a record of 5–1 and the regional competition with a perfect record of 5–0. The team then went on to compete in the World Series tournament against teams across the United States, Canada, the Philippines, Europe and Puerto Rico. This is a great accomplishment for these Virginia girls, especially since this is the first time in the history of the tournament that a team from Virginia has made it to the World Series.

I would like to congratulate each of the members of the McLean Girls Little League Softball team: Brooke Brown, Sarah Eidt, Michelle Tilson, Lauren Sanata, Megan Sullivan, Brittany McCray, Lauren Sutherland, Madeleine Giaquinto, Adrianne Engel, Jamie Bell, Kukana Ho'opi'i, Shannon Engel, Lauren McColgan, Rachel Ing and their coaches, Jamie Loving, Darrell Tilson and Kurt Brown.

As a former student-athlete, I understand the impact that athletics play in the development of an individual's character and life. Sports teach us important lessons of self-discipline, perseverance, teamwork, sportsmanship and self-confidence. The benefits of participating in athletics can prove valuable in the daily lives of student-athletes whether at school or at work in their communities. I wish all of the members of the team and their coaches continued success in the future. Keep Winning.•

TRIBUTE TO DR. LINDA CRNIC

• Mr. JEFFORDS. Mr. President, I rise to pay tribute to Dr. Linda Crnic, of Denver, CO, who passed away unexpectedly on September 10, 2004.

Dr. Crnic was a professor of pediatrics and psychiatry at the University of Colorado Health Sciences Center and director of the Colorado Mental Retardation and Developmental Disability Research Center. She was also an inspiration to thousands of families across the Nation for her internationally recognized research on Down syndrome and Fragile X.

Down syndrome and Fragile X are the two leading genetic disorders causing mental retardation. Fragile X is an inherited disorder caused by a defect in one gene on the X chromosome. It is also the most common known cause of Autism.

While I did not know Linda personally, many individuals have reached out to me in recent weeks with stories and tributes about the impact Linda made as a mother, as a colleague, as a friend, and through her research.

Dr. Crnic's research helped individuals with Down syndrome and Fragile X become increasingly integrated into society and live fuller and more active lives.

Through the efforts and outreach of professionals like Linda Crnic, all of us benefit as research about these disorders have also led to new medical insights and treatments.

According to those families, whose lives she touched so profoundly, one cannot begin to describe the high regard and affection in which Dr. Crnic

was held. She was a researcher to whom parents of children with Fragile X and Down syndrome could always go to with their concerns, regardless of whether or not their concerns were related to Dr. Crnic's area of research. She listened and responded. This loss, for the Fragile X and Down syndrome communities is incalculable.

I send my deepest condolences to Linda Crnic's family. I hope they are comforted with her memory and knowledge that their loss is shared by so many in her community and across this nation.

I ask that the following news story about the life of Linda Crnic from the Rocky Mountain News be printed in the RECORD.

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

[From the Rocky Mountain News, Sept. 22, 2004]

CRNIC, 56, CHAMPIONED DOWN SYNDROME CAUSES

(By Mark Wolf)

Linda Crnic addressed the National Down Syndrome Congress last month on The Dawn of a New Era in biomedical research, then spent the evening dancing with children with Down syndrome.

''She spent hours on the dance floor,'' said Lloyd Lewis, of Lafayette, father of a child with Down syndrome, who addressed the association from a parent's perspective. ''There was a particularly moving moment when a 50-year-old woman was confused at not being able to find her purse. Linda spent an hour looking under every table for it.''

Crnic, an internationally prominent Down syndrome researcher, died Sept. 11 from injuries suffered in a bicycle accident. She was 56.

She was a professor of pediatrics and psychiatry at the University of Colorado Health Sciences Center and, since 2001, director of the Colorado Mental Retardation and Developmental Disabilities Research Center.

''A topic like (Down syndrome and other developmental disabilities) is never something you can approach with one particular line of investigation,'' said Dr. Doug Jones, chairman of pediatrics at the Health Sciences Center. ''You have to look at genetics, what determines behavior, a whole range of things to understand how to help these children be as normal as possible.

''You have to have a psychologist, physician, geneticist. It requires a broad range of disciplines. Linda's great strength was that she saw how to do that, not just within the School of Medicine, but within the entire University of Colorado system and CSU, DU and ultimately across the country.''

Born in Fort Wayne, Ind., she moved to Naperville, IL., when she was 12. She earned a bachelor's degree from the University of Chicago and master's and doctoral degrees in experimental psychology from the University of Illinois at Chicago.

She joined the CU Medical School as a postdoctorate fellow in 1975 and became a full professor in 1994.

''She was just the kindest, most loving person that you would ever meet in your life,'' said Stan Wilks, her husband. ''She was actively involved and mentored a lot of people in their scientific careers.''

Their son, Michael, 13, plays cello, and his mother would sit with him while he practiced.

''She made that commitment to him,'' said her husband.

The family loved hiking and camping and had just purchased an A-frame chalet in Hartsell.

''We spent two of the last three weekends up there. We bought it as a little family getaway to have some real private times,'' Wilks said.

The weekend she died, Mrs. Crnic had traveled to Bend, Ore., for a reunion weekend with several women with whom she had attended leadership training. During a leisurely bike ride she fell and fractured her skull.

''The tragedy of that is that she was an expert bike rider and practiced safety. She would never go biking without a helmet, and here she was without a helmet,'' Wilks said.

She was in demand as a speaker to professional organizations nationally and internationally and was a strong advocate for increased support and research for Down syndrome families.

''She took the time and was genuinely interested in parents and kids. She stimulated in me the notion that parents could be very active and influential in funding research from various avenues: the National Institutes of Health, Congress and private benefactors,'' Lewis said.

Surviving in addition to her husband and son are sisters Jacqueline Susmark, of Lakewood, and Janine Bisbee, of Warren, N.J., and brother Brent Smith, of Salida.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:30 a.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. 5185. An act to temporarily extend the program under the Higher Education Act of 1965.

H.R. 5212. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for additional disaster assistance relating to storm damage, and for other purposes.

The message also announced that the House has passed the following bills, without amendment.

S. 2415. An act to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the ''Robert J. Opinsky Post Office Building''.

S. 2742. An act to extend certain authority of the Supreme Court Police, modify the venue of prosecutions relating to the Supreme Court building and grounds, and authorize the acceptance of gifts to the United States Supreme Court.

The message further announced that the House has passed the following bills, with an amendment:

S. 129. An act to provide for reform relating to Federal employment, and for other purposes.

S. 1194. An act to foster local collaborations which will ensure that resources are effectively and efficiently used within the criminal and juvenile justice systems.

The message also announced that the House agree to the amendment of the Senate to the bill (H.R. 2828) to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

ENROLLED BILLS SIGNED

The message further announced that Speaker has signed the following enrolled bills:

S. 551. An act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes.

S. 1421. An act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

S. 2319. An act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

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.

H.R. 4011. An act to promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 2:14 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. 4232. An act to redesignate the facility of the United States Postal Service located at 4025 Feather Lakes Way in Kingwood, Texas, as the ''Congressman Jack Fields Post Office''.

H.R. 4302. An act to amend title 21, District of Columbia Official Code, to enact the provisions of the Mental Health Civil Commitment Act of 2002 which affect the Commission on Mental Health and require action by Congress in order to take effect.

H.R. 4306. An act to amend section 274A of the Immigration and Nationality Act to improve the process for verifying an individual's eligibility for employment.

H.R. 4453. An act to improve access to physicians in medically underserved areas.

H.R. 4518. An act to extend the statutory license for secondary transmissions by satellite carriers of transmissions by television broadcast stations under title 17, United States Code, and to amend the Communications Act of 1934 with respect to such transmissions, and for other purposes.

H.R. 4807. An act to designate the facility of the United States Postal Service located at 140 Sacramento Street in Rio Vista, California, as the ''Adam G. Kinser Post Office Building''.

H.R. 4829. An act to designate the facility of the United States Postal Service located at 103 East Kleberg in Kingsville, Texas, as the ''Irma Rangel Post Office Building''.

H.R. 4847. An act to designate the facility of the United States Postal Service located at 560 Bay Isles Road in Longboat Key, Florida, as the ''Lieutenant General James V. Edmundson Post Office Building''.

H.R. 4968. An act to designate the facility of the United States Postal Service located at 25 McHenry Street in Rosine, Kentucky, as the ''Bill Monroe Post Office''.

H.R. 5051. An act to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the ''Leonard C. Burch Post Office Building''.

H.R. 5053. An act to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the ''Lieutenant John F. Finn Post Office''.

H.R. 5107. An act to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

H.R. 5131. An act 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.

H.R. 5204. An act to amend section 340E of the Public Health Service Act (relating to children's hospitals) to modify provisions regarding the determination of the amount of payments for indirect expenses associated with operating approved graduate medical residency training programs.

The message also announced that the House has passed the following bills, without amendment:

S. 1721. An act to amend the Indian Land Consolidation Act to improve provisions relating to probate of trust and restricted land, and for other purposes.

S. 1791. An act to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, and for other purposes.

S. 2178. An act to make technical corrections to laws relating to certain units of the National Park System and to National Park programs.

S. 2511. An act 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.

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. 464. Concurrent resolution honoring the 10 communities selected to receive the 2004 All-America City Award.

H. Con. Res. 500. Concurrent resolution honoring the goals and ideals of National Nurse Practitioners Week.

At 2:47 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 bill, in which it requests the concurrence of the Senate:

H.R. 5186. An act to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans.

The message also announced that pursuant to the request of July 15, 2004, the House returned the act (S. 2589) to clarify the status of certain retirement plans and the organizations which maintain the plans to the Senate.

The message further announced that the House agree to the amendment of the Senate to the bill (H.R. 5122) to amend the Congressional Accountability Act of 1995 to permit members of the Board of Directors of the Office of Compliance to serve for 2 terms.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon and appoints the following members as the managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. YOUNG of Florida, Mr. WOLF, Mr. WAMP, Mr. LATHAM, Mrs. EMERSON, Ms. GRANGER, Mr. SWEENEY, Mr. SHERWOOD, Mr. SABO, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BERRY, Mr. MOLLOHAN, and Mr. OBEY.

At 5:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3242. An act to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of Untied States-grown specialty crops, and for other purposes.

H.R. 4248. An act to amend title 38, United States Code, to increase the authorization of appropriations for the Secretary of Veterans Affairs to make grants to existing comprehensive service programs for homeless veterans, and for other purposes.

H.R. 4658. An act to amend the Servicemembers Civil Relief Act to make certain improvements and technical corrections to that Act, otherwise to improve legal protections provided to reserve component members called active duty, and for other purposes.

H.R. 4794. An act to amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes.

H.R. 5163. An act to amend title 49, United States Code, to provide the Department of Transportation a more focused research organization with an emphasis on innovative technology, and for other purposes.

H.J. Res. 108. Joint resolution congratulating and commending the Veterans of Foreign Wars.

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. 131. Concurrent resolution expressing the sense of the Congress that student travel is a vital component of the educational process.

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress that a minute of silence should be observed annually at 11:00 a.m. on Veterans Day, November 11, in honor of the veterans of all United States wars and to memorialize those members of the Armed Forces who gave their lives in the defense of the United States.

At 9:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4520) to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, services, and high-technology businesses and workers more competitive and productive both at home and abroad.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2938. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, October 7, 2004, she had presented to the President of the United States the following enrolled bills:

S. 551. An act to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes.

S. 1421. An act to authorize the subdivision and dedication of restricted land owned by Alaska Natives.

S. 1537. An act to direct the Secretary of Agriculture to convey to the New Hope Cemetery Association certain land in the State of Arkansas for use as a cemetery.

S. 1663. An act to replace certain Coastal Barrier Resources System maps.

S. 1687. An act to direct the Secretary of the Interior to conduct a study on the preservation and interpretation of the historic sites of the Manhattan Project for potential inclusion in the National Park System.

S. 1778. An act to authorize a land conveyance between the United State and the City of Craig, Alaska, and for other purposes.

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior.

S. 2052. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. 2180. An act to direct the Secretary of Agriculture to exchange certain lands in the Arapaho and Roosevelt National Forests in the State of Colorado.

S. 2319. An act to authorize and facilitate hydroelectric power licensing of the Tapoco Project.

S. 2363. An act to revise and extend the Boys and Girls Clubs of America.

S. 2508. An act to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–516. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to Pennsylvania's Nutrition Education Program; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE RESOLUTION NO. 770

Whereas, poor nutrition is a serious problem within the Commonwealth of Pennsylvania due to a lack of understanding of the health impact of too much sugar, fat and salt in a persons diet;. and

Whereas, the problem of poor nutrition is particularly acute among low-income households which often lack the resources for a balanced and nutritious diet; and

Whereas, PA NEP has developed an effective program of bringing nutrition education to community food pantries and other community partners and has impacted the dietary practices of low-income households that access food there; and

Whereas, this commendable and important result has been achieved with the support of the United States Department of Agriculture over the past six years, including recognition that a portion of the food provided by the Commonwealth of Pennsylvania through the State Food Purchase Program qualifies as ''nutrition education'' when that food is used to reinforce and/or replicate a nutrition lesson; and

Whereas, The United States Department of Agriculture has informed the Pennsylvania Department of Public Welfare that it will no longer permit State Food Purchase Program food to qualify as ''nutrition education''; and

Whereas improvement, in the dietary practices of Pennsylvania residents is a matter of urgent public health; and

Whereas, the use of food provided by the State Food Purchase Program to reinforce and/or replicate nutrition lessons is a highly appropriate way to impact the dietary practices of low-income households and is fully consistent with legislative intent; and

Whereas, the decision of the United States Department of Agriculture to no longer consider the cost of food used in the manner as ''nutrition education'' will cause nutrition education in Pennsylvania's food distribution programs to largely cease: Therefore be it

Resolved, That the House of Representatives call upon the United States Department of Agriculture to recognize that food provided to low-income households through the State Food Purchased Program may be properly considered ''nutrition education'' when used to reinforce and/or replicate a nutrition lesson; and be it further

Resolved, That the United States Department of Agriculture reconsider its recent policy change and once again permit State Food Purchase Program food to qualify as ''nutrition education'' under Pennsylvania's Nutrition Education Program; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Agriculture and to each member of Congress from Pennsylvania.

POM–517. A joint resolution adopted by the Senate of the Legislature of the State of California relative to food marketing and advertising directed to children; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE JOINT RESOLUTION NO. 29

Whereas, California is in the midst of a growing epidemic of overweight children and childhood obesity due to poor diet and physical inactivity, putting growing numbers of California children at increased risk for type II diabetes, hypertension, heart disease, and cancer, along with psychosocial problems including low self-esteem, poor body image, and symptoms of depression; and

Whereas, a recent study showed that 26.5 percent of California youth in grades 5, 7, and 9 are overweight, with rates being even higher for African-American children (28.6 percent) and Latino children (33.7 percent); and

Whereas, in California, annual obesity-attributable medical expenditures were estimated at $7.7 billion in 2003, with approximately one-half of these expenditures financed by Medicare and Medi-Cal; and

Whereas, healthy eating and physical activity, including eating five or more servings of fruits and vegetables every day, are vital to preventing people from being overweight or suffering from heart disease, cancer, or diabetes, and ensuring children's health and well-being; and

Whereas, poor diet and physical inactivity are responsible for 400,000 deaths in the United States annually and may soon overtake tobacco as the leading cause of preventable death; and

Whereas, the growing epidemic of childhood obesity has brought renewed attention to the role that food and beverage advertising and marketing play in negatively influencing eating habits of youth; and

Whereas, the food, beverage, and restaurant industries recognize children as a major market force because of their spending power, purchasing influence, and anticipated brand loyalty as adult consumers, with children under 14 years of age purchasing $24 billion in products and influencing $190 billion in family purchases each year; and

Whereas, children are being exposed to increasing amounts of marketing and advertising, with $15 billion spent marketing to children in the United States in 2002, double the amount spent in 1992; and

Whereas, the food, beverage, and restaurant industries utilize multiple strategies to market their products to children, including television advertising, in-school marketing, the Internet, product placements, toys, books, and clothes with food-brand logos, contests, celebrity and cartoon spokespeople, and child targeted in-store and restaurant promotions; and

Whereas, children view an estimated 40,000 commercials each year, 50 percent of which advertise food products—most often products that are high in calories, fats, sugars, and salt, with almost no references to fruits or vegetables. Children watch an average of one food commercial every five minutes of television viewing time, and as many as three hours of food commercials each week. Latino and African-American children are exposed to more television food advertising than other children; and

Whereas, in-school marketing of food and beverages has become increasingly prevalent in recent years and includes: (1) product sales, including sales through vending machines, a la carte, snack bars, soft drink ''pouring-rights'' agreements through exclusive contracts, branded fast food, and fundraisers; (2) direct advertising, such as food and beverage ads in schools; and (3) indirect advertising, such as corporate-sponsored educational programs, sports team sponsorships, and incentive programs using contests and coupons; and

Whereas, the majority of the foods and beverages sold in school vending machines and school stores are calorically dense and low in nutrients, which promotes purchasing and consumption of these foods while children are away from their parents in a captive environment that is supposed to be dedicated to education; and

Whereas, studies show that food advertising and marketing result in more favorable attitudes, preferences, and behaviors among children towards the advertised products and that children's food preferences and food purchase requests for high sugar and high fat foods are influenced by television exposure to food advertising; and

Whereas, parents face increasing strain between their desire to feed their children well and the intense marketing of high calorie, low-nutrition food and beverages to their children; and

Whereas, in 2003, the World Health Organization concluded that the extensive marketing to children of fast food and high calorie, micronutrient-poor foods and beverages is a probable causal factor for the accelerating global trend in weight gain obesity; and

Whereas, children are particularly vulnerable to marketing of unhealthy foods and beverages because children under the age of 4 or 5 years cannot distinguish between television programming and advertisements, and children age 8 and under are unable to comprehend the persuasive intent and biased nature of advertising, making advertising to young children fundamentally unfair: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress and the President of the United States to require the Federal Trade Commission to (1) develop and implement nutrition standards for foods and beverages that are acceptable to advertise or market to children, including foods and beverages that make a positive contribution to children's diets and health by being moderate in portion size, calories, saturated fat, trans fat, refined sugars, and sodium, and provide key nutrients and (2) prohibit advertising and marketing of foods and beverages that do not meet those standards through broadcast, print, Internet, or other marketing venues for which a significant portion of the audience is children; and be it further

Resolved, That the Legislature memorializes the Congress and the President of the United States to require the Federal Communications Commission to ensure that equal time is given during television programs that have a significant youth audience to encourage fruit and vegetable consumption and physical activity, and discourage consumption of low nutrient foods and beverages. These messages must be produced and delivered by individuals and organizations that have no financial interest in the message; and be it further

Resolved, That the Legislature memorializes the Congress and the President of the United States to fund new and existing media campaigns to promote healthy eating and physical activity, such as the Centers for Disease Control and Prevention's VERB campaign and the National 5 A Day program; and be it further

Resolved, That the Legislature memorializes the Centers for Disease Control and Prevention and the National Institutes of Health to fund research studies to further assess the effects of food and beverage advertising and marketing on the diets and health of children and adolescents; and be it further

Resolved, That the Legislature calls on food and beverage companies, restaurants, retail

stores, advertising agencies, sports and entertainment industries, and print, broadcast, and Web-based media operating in California to adhere to a voluntary code of practice, developed by experts, that would contain guidelines and standards for responsible food and beverage advertising and marketing aimed at children; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in Congress.

POM–518. A concurrent resolution adopted by the Senate of the Legislature of the State of Hawaii relative to property in the Waikane Valley, Hawaii; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 212

Whereas, Waikane Valley contains undeveloped land in the ahupuaa of Waikane on Oahu's windward side; and

Whereas, 33 years ago, the United States Marine Corps obtained 187 acres in Waikane Valley, commonly referred to as the ''Waikane Training Area,'' for military jungle and live ordnance training; and

Whereas, the United States Marine Corps has announced its intention to close the Waikane Training Area, but as recently as last year, the United States Marine Corps has sought to use Waikane Valley for more military jungle training; and

Whereas, ironically, Waikane Valley was abandoned as a training site by the United States Marine Corps because of safety concerns over the use of high explosive antitank and bazooka rounds used in the past and the insufficient data to determine the exact number of ammunition rounds fired in the valley; and

Whereas, the United States Marine Corps originally obtained the right to use the Waikane Training Area by a lease from the McCandless Estate and Waiahole Water Company in 1953 and subsequently by a lease from the same parties and the heirs of John Kamaka; and

Whereas, the Kamaka heirs acquired title to the Waikane Training Area by quitclaim deed in June of 1972 and terminated the lease with the United States Marine Corps in 1976; and

Whereas, between 1976 and 1993, the United States Marine Corps conducted several investigations and ordnance removal efforts on the property and concluded that the Waikane Training Area could never be certified as being clear of ordnance; and

Whereas, the United States Navy and Marine Corps acquired title to the Waikane Training Area in 1993 by condemnation as a means to address the problem of not being able to fulfill their lease obligations to return the property to the Kamaka heirs in an ordnance-free and safe condition; and

Whereas, land in Hawaii, and particularly agricultural and conservation land, is Hawaii's most precious and limited resource; and

Whereas, Waikane Valley has served historically as important agricultural area for the island of Oahu and contains precious archaeological and historic sites; and

Whereas, regardless of the 1993 condemnation, members of the Waikane community believe that the United States Marine Corps should live up to their commitment of cleaning up the land, and they have expressed their desire to have the Waikane Training Area restored to a condition that will permit them to return to the aina and engage in farming and other agricultural activities that would be appropriate based on the condition of the remediated property; and

Whereas, the federal government and military have previously demonstrated their will and capacity to honor their obligations to remediate and restore other equally or more severely contaminated installations upon closure under the Formerly Used Defense Site Program, Defense Environmental Restoration Program, Installation Restoration Program, other Department of Defense initiatives and programs, and with special appropriations from Congress; and

Whereas, the current official position of United States Department of Defense is that no ordnance-contaminated site can ever be certified as being clear of unexploded ordnance; and

Whereas, based on the inability to certify the Waikane Training Area as being clear of unexploded ordnance, the United States Navy and Marine Corps are considering permanent closure of the property to the general public by erecting a security fence around the area; and

Whereas, the permanent closure of the Waikane Training Area would be a devastating loss of precious agricultural, historical, cultural, and natural resources to Hawaii; and

Whereas, with sufficient funding from existing restoration programs or special appropriations from Congress, or both, the United States Navy and Marine Corps have the means to clean-up the Waikane Training Area to a condition that is reasonably safe for certain restricted uses, provided long-term monitoring and guidelines are established: Now, therefore, be it

Resolved by the Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the federal government is requested to conduct a thorough evaluation of the condition of the Waikane Training Area, particularly with regard to environmental and ordnance-related hazards that exist on the property; and be it further

Resolved, That the federal government is requested to plan for and conduct as thorough a clean-up of the Waikane Training Area as is technologically possible, including the remediation or removal of all environmental hazards and contamination and removal of all practice and live ordnance; and be it further

Resolved, That the federal government is requested to conduct a post-clean-up environmental assessment of the Waikane Training Area evaluating the potential risks to human health and safety, for the purpose of determining the types of uses and activities that could appropriately be conducted on the property with minimal risk to potential users and the community at large; and be it further

Resolved, That the federal government is requested to return the Waikane Training Area to the State of Hawaii upon completion of the clean-up; and be it further

Resolved, That the federal government is requested to appropriate sufficient funds to plan for, implement, and complete the rehabilitation and transfer of the Waikane Training Area; and be it further

Resolved, That the members of Hawaii's congressional delegation are requested to assist in seeking and obtaining the relief sought above; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, members of Hawaii's congressional delegation, the Commandant of the Marine Corps, and the Secretary of the Navy.

POM–519. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to passage of the defense appropriations bill; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 114

Whereas, the security of our nation and people is the first and foremost obligation of the Federal Government; and

Whereas, the men and women of our armed forces serving in the Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine, National Guard and Reserves have shown great courage and self-sacrifice and deserve to be equipped with the best weapons and resources to protect our nation; and

Whereas, in past years politicians have delayed passing the defense appropriations bill until late in the budget year so that the defense appropriations bill was misused as a dumping ground for pork-barrel spending and as a political hostage to pork-barrel spending in other appropriations bills; and

Whereas, in the wake of the terrorist attacks on September 11, 2001, the President has asked that the Congress of the United States pass the defense appropriations bill before passing other spending bills; and

Whereas, Congress acted responsibly in Fiscal Years 2002 and 2003 when it passed the defense appropriations bill first, protecting the men and women of our armed forces from becoming political pawns for politicians' spending maneuvers: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania commend Congress for making our nation's defense its first priority in Fiscal Years 2002 and 2003 and request Congressmen and Senators from Pennsylvania to continue this policy by passing defense appropriations legislation before all other spending bills in 2004 and in the future; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania.

POM–520. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Congressional Medal of Honor; to the Committee on Armed Services.

Whereas, United States Army and Department of Defense officials are reviewing a recommendation to upgrade Major Winters' Distinguished Service Cross to the Congressional Medal of Honor; and

Whereas, Major Winters was originally nominated for the Medal of Honor by Colonel Robert F. Sink, commander of the 506th Regiment, for heroic actions on June 6, 1944, during the Allied invasion of Normandy, France, as 1st Lieutenant, Acting Commanding Officer of E Company, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division, VII Corps; and

Whereas, Major Winters' extraordinary planning, fighting and commanding on that day 60 years ago in Nazi-occupied Normandy during his regiment's first combat operation saved countless lives and expedited the Allied inland advance; and

Whereas, with his company outnumbered by German soldiers, Major Winters destroyed German guns at Brecourt Manor and secured causeways for troops coming off Utah Beach; and

Whereas, Major Winters' battle plan for a small-unit assault on German artillery has been taught at the United States Military Academy at West Point; and

Whereas, Major Winters accomplished a hazardous mission with valor, inspired his service colleagues through example and effectively organized his company into support and assault teams on the day of invasion in the campaign for European liberation during World War II: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to award the Congressional Medal of Honor to Major Richard D. Winters without further delay; and be it further

Resolved, That a copy of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–521. A joint resolution adopted by the Legislature of the State of California relative to the regulation of financial institutions; to the Committee on Banking, Housing, and Urban Affairs.

SENATE JOINT RESOLUTION NO. 20

Whereas, the Senate and Assembly Banking Committees of the California Legislature have held an informational hearing on the doctrine of federal preemption of state laws and the impact on California and its financial regulators; and

Whereas, the California Constitution provides that an administrative agency of the state has no authority to declare a state law unenforceable unless an appellate court determines that the statute is prohibited by federal laws or regulations; and

Whereas, there are two areas where tension exists between federal and state law in the fields of regulation of financial institutions, which are the areas relating to the jurisdiction over the operating subsidiaries of national banks and consumer protection; and

Whereas, operating subsidiaries of national banks engage in various financial services such as mortgages, insurance, and securities-brokerage services that are beyond the scope of the business of banking as originally conceived in the National Bank Act of 1864; and

Whereas, operating subsidiaries of national banks are creatures of state law, not federal law, and are incorporated under state law and in the past have applied for licenses from state regulatory authorities to operate within California; and

Whereas, in August of 2001, and in January of 2004, the Office of the Comptroller of the Currency (OCC) promulgated a regulation that effectively stated that the OCC was the exclusive regulator of national banks and their operating subsidiaries and this regulation placed the OCC on a collision course with California regulators of financial institutions; and

Whereas, the OCC has appeared as amicus curiae in several recent federal court cases opposing consumer protection legislation that has been passed by the California Legislature, on the basis that the legislation interfered with the power of national banks and their operating subsidiaries to engage in the business of banking; and

Whereas, there has been a clear, consistent, and premeditated effort by the federal government, specifically on the part of the OCC, to exercise jurisdiction in financial regulation matters that were previously the jurisdictional domain of the states, and the exercise of the jurisdiction has been assisted by a complacent United States Congress and deferential court system; and

Whereas, certain interpretations of law by the OCC and the Office of Thrift Supervision have prevented the application of state consumer protections to federally-chartered financial institutions, and frustrate the efforts of state regulators and legislators to extend these protections to all citizens; Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California, recognizing that the authority to resolve these issues rests with the federal courts and the United States Congress, respectfully requests that the United States Congress disapprove the rule submitted by the Office of Comptroller of the Currency relating to bank activities and regulations published at 69 Federal Register 1895 (January 13, 2004), so the rule will have no force or effect, and if necessary, consider legislation that will prevent the unilateral expansion of jurisdiction over financial institutions by federal regulators without the specific endorsement of the elected representatives of the United States Congress; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each Senator and Representative from California in the Congress of the United States, to the Office of the Comptroller of the Currency, and to the Office of Thrift Supervision.

POM–522. A resolution adopted by the General Assembly of the State of New Jersey relative to federal Section 8 funding; to the Committee on Baking, Housing, and Urban Affairs.

ASSEMBLY RESOLUTION NO. 185

Whereas, since established in 1974, the Section 8 housing assistance program has been an integral part of one of our nation's most important social goals, that of providing housing opportunities for low-income families, the elderly and the disabled; and

Whereas, today, the Section 8 housing voucher program is the principal federal housing assistance program for low-income household, helping 2 million families across the country to secure modest, decent housing in the private housing market; and

Whereas, the 2005 federal budget proposes to reduce Section 8 voucher funding by $1 billion below the 2004 level, and also proposes radical changes in the program's structure that would leave Section 8 vulnerable to further reductions in federal funding over time; and

Whereas, in 2005, the proposed cuts could reduce the number of families currently assisted nationwide by 250,000, and the funding currently projected by this Administration could eventually reduce the number of vouchers by 600,000 in 2009; and

Whereas, in New Jersey alone, the existing 64,160 Section 8 housing vouchers could be reduced by 7,780 in 2005, and by 18,660 in 2009; and

Whereas, given these circumstances, it is fitting and proper for this House to respectfully urge Congress and President George W. Bush not to reduce funding for the Section 8 program, as thousands of families in New Jersey and nationwide depend on Section 8 in order to secure affordable housing and avoid homelessness: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House urges Congress and President George W. Bush to fully fund the Section 8 housing voucher program, in recognition of the integral part this program plays in providing decent and affordable housing for thousands of our nation's low-income families, the elderly and the disabled.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker Of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and House of Representatives, and every member of the New Jersey Congressional Delegation.

This Assembly resolution urges Congress and President George W. Bush to fully fund the Section 8 housing assistance program.

The proposed 2005 federal budget reduces funding for this program by $1 billion below 2004 levels. According to the Center on Budget and Policy Priorities and housing advocates across the country, this reduction could lead to a decrease of 250,000 vouchers from the current 2 million in use nationwide. Furthermore, the budget proposes a transformation of the Section 8 program from a so-called ''unit-based'' to a ''dollar-based'' funding system, which would leave the program vulnerable to further reductions in federal funding over the years. It is estimated that these changes could further reduce the number of vouchers nationwide by 30% in 2009, a reduction of 600,000 vouchers below 2004 levels.

In New Jersey alone, the 2005 cuts could reduce the current 64,160 vouchers by 7,780, and further reductions could lead to an 18,660 decrease in 2009.

POM–523. A concurrent resolution adopted by the Legislature of the State of Michigan relative to the dredging of canals around the city of Gibraltar; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 41

Whereas, the city of Gibraltar in Wayne County is a unique community, with more than five miles of canals bisecting the city and its four islands of residences. These public transportation routes include access to public and private facilities, including boat ramps and marinas. Thousands of people use the canals each year; and

Whereas, with no dredging of the Gibraltar canals since the late 1950s, the use of the canals is today significantly threatened by the buildup of sediment throughout the system. Boating traffic is hampered by the buildup. The task of dealing with the Gibraltar canals is made more complex by the results of testing that has identified contamination in the sediment. This fact will greatly increase the costs of dredging and disposal of the sediment; and

Whereas, the costs of dredging the canals is far beyond the resources available within the community of Gibraltar, and the canals are available to and used by many more people than residents of Gibraltar. This work clearly needs to be completed. The Gibraltar canals are notable components of the Detroit River system, and maintaining the quality of the canals is work that is strongly related to the quality of this vital part of our water transportation network. It is essential that necessary resources be directed to this task: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to provide funding for the dredging of canals around the city of Gibraltar; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–524. A resolution adopted by the General Assembly of the State of New Jersey relative to competition in the cable television industry; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY RESOLUTION NO. 156

Whereas, cable television is an important source of state and local news, public affairs programming, emergency information and other broadcast services critical to an informed and safe electorate; and

Whereas, the cable television industry has become highly concentrated in New Jersey with most areas having only one cable service provider and such concentration can be a barrier to entry for new programmers resulting in fewer choices of programming for New Jersey consumers; and

Whereas, the rates for cable service in New Jersey have increased by over 60 percent

since 1996 according to the New Jersey Board of Public Utilities and none of this increase is attributable to State legislation or regulation; and

Whereas, cable television companies are allowed to construct and maintain cables, conduits, poles, and other equipment upon, under or over highways and other public places and are permitted to use utility easements on private property; and

Whereas, there are significant societal benefits, especially the freedom of speech, in having multiple providers of programming services because a cable television provider controls much of the programming available to its subscribers; and

Whereas, competition in the cable television industry will encourage the availability of a wider array of ideas and information, better rates, and improved services for New Jersey consumers; and

Whereas, it is in the public interest to further competition in the cable television industry in New Jersey in order to promote the availability of diverse views and information, to ensure cable service providers expand their capacity and program offerings, to ensure cable service providers do not have undue market power or undue influence over the distribution of information and to protect the best interests of consumer: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The General Assembly urges the President and Congress of the United States to allow the states to require that cable television companies shall not receive consent to operate in their municipalities or franchise territories, at issuance or renewal of that consent, until a cable television company has:

a. certified that there is another cable television company operating in the municipality; or

b. designated channels for commercial use as set forth in 47 U.S.C. s.532 and has leased two-thirds or more of the channels required to be set aside to persons unaffiliated with the cable television company; or

c. implemented an open video system in accordance with 47 U.S.C. s.573, where ''open video system'' means a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming which is provided to multiple subscribers within a community and which has been certified by the Federal Communications Commission as being in compliance with Part 76 ''Multichannel Video and Cable Television Service'' of Title 47 of the Code of Federal Regulations.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested to by the Clerk thereof, shall be transmitted to the President of the United States, the presiding officers of the United States Senate and House of Representatives, and to each member of Congress elected from this State.

This Assembly resolution urges the President and Congress of the United States to allow the states to require that cable television companies shall not receive consent to operate in their municipalities or franchise territories at issuance or renewal of that consent until a cable television company has: certified that there is another cable television company operating in the municipality or territory; or designated channels for commercial use as set forth in 47 U.S.C. s.532 and has leased two-thirds or more of the channels required to be set aside to persons unaffiliated with the cable television company; or implemented an open video system in accordance with 47 U.S.C. s.573.

The leased commercial access provisions of 47 U.S.C. s.532 require a television cable company to designate channel capacity for commercial use by persons unaffiliated with the cable television company. Smaller companies must designate 10 percent of their channel capacity and larger companies must designate 15 percent of their channel capacity. Channels designated for public, educational, or governmental use may not satisfy the requirement for leased commercial access channels. If the designated channels are not leased, the television cable company may continue to use them for its own programming. Consumers do not receive a separate charge for the programming on leased commercial access channels. An example of leased commercial access channel use would be an ''informercial'' channel.

In an open access video system, as established in 47 U.S.C. s.573, the operator of an open video system is released from certain federal regulatory burdens in exchange for opening up one-third of its activated channel capacity to bidding by those who wish to contract for carriage of specific video programming on an open video system. Consumers would have the choice to receive and pay for this specific video programming.

The states' ability to regulate these aspects of the cable television industry will lead to greater competition and will encourage the availability of a wider array of ideas and information, better rates, and improved services for New Jersey consumers.

POM–525. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the Marshall Islands Nuclear Claims Tribunal; to the Committee on Energy and Natural Resources.

Whereas, fifty years ago on March 1, 1954, at 6:45 a.m., the United States of America tested the ''Bravo'' hydrogen bomb on Bikini Atoll in the Republic of the Marshall Islands, resulting in an explosion that is now acknowledged as by far the most destructive nuclear detonation ever; and

Whereas, scientists involved in the test known as ''Bravo'' have maintained that they expected a yield equivalent to five megatons; and

Whereas, the ''Bravo'' bomb actually yielded 15 megatons, or a thousand times more powerful than the Hiroshima bomb; and

Whereas, while U.S. servicemen on Rongerik Atoll were evacuated within hours of the blast, Marshallese residents of Utirik and Rongelap, all within the hazardous range of the explosion, were left on their contaminated islands for at least a day longer, resulting in their exposure to significant radiation; and

Whereas, the men, women, and children of these atolls were already suffering burns and loss of hair at the time of their removal from their homes; and

Whereas, 23 crewmembers of the Japanese fishing boat, Lucky Dragon, were also exposed to severe radiation from Bravo; and

Whereas, a total of 67 nuclear tests were conducted in Bikini and Enewetak between 1946 and 1958, exposing the people of the Marshall Islands to severe health problems and genetic anomalies during the tests and for generations to come; and

Whereas, if one were to calculate the net yield of all the tests conducted in the Marshall Islands, it would be equivalent to the detonation of 1.7 Hiroshima bombs every day for 12 years; and

Whereas, Enewetak Atoll served as ground zero for 43 tests including the first-ever hydrogen device, resulting in the loss of eight percent of their land, and even after a massive cleanup program by the United States, the Marshallese have no safe access to more than 57 percent of their land; and

Whereas, the people of Enewetak were exiled from their home for more than 33 years in spite of assurances from U.S. officials that they would be repatriated in three to five years after their original removal in 1946; and

Whereas, similar promises made to Bikini residents forced the surrender of their land supposedly for the ''betterment of mankind''; and

Whereas, on advice from the United States, the people of Bikini were repatriated in 1967 only to be evacuated seven years later when high levels of radionuclides were discovered in their bodies; and

Whereas, the people of Rongelap and Utirik were returned prematurely to their atolls and received additional exposure, causing many to believe that they were used to study the effects of radiation on human being as contemplated in the Atomic Energy Commission's now infamous Project 4.1; and

Whereas, recently declassified information contains strong indications that human experimentation using the people of the exposed atolls was indeed part of the nuclear testing program in the Marshall Islands; and

Whereas, in its Compact of Free Association (Compact), the United States of America accepts the responsibility for compensation owing to the citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946 and August 18, 1959'': and

Whereas, the pertinent provisions of the Compact were negotiated based on limited and misleading information provided by the United States Government to the Marshallese representatives, a fact exposed only recently in material declassified by the United States and acknowledged by their officials; and

Whereas, the funds provided under the Compact agreement are grossly inadequate to provide for health care and environmental monitoring, personal injury claims, or land and property damage; and

Whereas, the ''changed circumstances'' provision of section 177 of the Compact provides that if the agreement on nuclear matters is manifestly inadequate to meet the technological and financial requirements anticipated during the negotiations, or if new information emerges which renders those agreements insufficient for the purpose of concluding full and just compensation, the Congress of the United States would consider a request for proper compensation; and

Whereas, the Government of the Marshall Islands submitted such a petition on September 11, 2000; and

Whereas, just compensation and continued funding for promised medical and health programs for survivors of the atomic tests depend upon Congress' favorable consideration of this petition; and

Whereas, over the past 15 years Hawaii has provided medical, educational, and other supportive services to lawful nonimmigrants from the Republic of the Marshall Islands, without reimbursement from the United States: Now, therefore, be it

Resolved by the Senate of the Twenty-second Legislature of the State of Hawaii, Regular Session of 2004, the House of Representatives concurring, That the United States Congress is respectfully requested to take appropriate measures to provide for the compensation of awards including property damage claims, to the fullest extent, as determined by the Marshall Islands Nuclear Claims Tribunal, and to provide for the costs of cleaning up nuclear sites in the Marshall Islands; and be it further

Resolved, That the Legislature expresses deep regret for the nuclear testing legacy which the people of the Marshall Islands

have inherited, and hereby requests the Governor to declare March 1 as a Day of Remembrance for the survivors of the United States nuclear tests in the Marshall Islands; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Governor of Hawaii, Speaker of the Marshall Islands Nitijela, and Mayor of Bikini Atoll.

POM–526. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to gasoline types; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 272

Whereas, while there are many factors that are contributing to the recent swift rise in pump prices for gasoline, a significant element is the number of gasoline types refineries must produce to meet environmental standards of various metropolitan regions across the country. Over the years, federal mandates to improve air quality in areas with problems have resulted in a complicated patchwork of fuel requirements. The Large number of fuels is also the result of the strategies individual states have developed to meet federal standards; and

Whereas, while the goals of cleaner air are important challenges that must be met, it seems inefficient on many levels for refineries to have to develop, produce, and deliver so many different types of gasoline. In the Midwest alone, at least seven types of fuel must be made. The impact of these requirements is to raise costs, delay production, disrupt distribution, and reduce the supply. These problems, as Michigan has learned all too well, become far more severe when any unforeseen events, such as a gasoline pipeline accident or a refinery fire, take place; and

Whereas, although the ultimate goal of a single gasoline type for the entire country at any given time may not be attainable because of the enormous variations in geographical and climatic conditions across America, requiring the country to sharply reduce the number of gasoline types can bring great benefits. In addition, using cleaner fuels may enhance air quality not only in ozone nonattainment areas, but everywhere: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to review the issue of the number of gasoline types refined across the country and to enact legislation that will sharply reduce the number of gasoline types required to meet local environmental standards; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–527. A joint resolution adopted by the General Assembly of the State of Rhode Island relative to the Medicare Prescription Drug, Improvement and Modernization Act of 2003; to the Committee on Finance.

JOINT RESOLUTION

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) will result in significant savings for only a minority of beneficiaries with extremely large drug bills and may cost some beneficiaries more in premiums, deductibles and co-pays than they will get back in benefits; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization At of 2003 (MMA) provides no substantive drug benefits until 2006 other than a discount card that will provide minimal discounts on prescription drugs for most beneficiaries; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) creates a ''doughnut hole'' by suspending coverage for drug costs between $2,250 and $5,100 a year; and

Whereas, the average beneficiary is projected to spend $3,155 on drugs when the program starts, placing many of them within this large gap in prescription drug coverage caused by the ''doughnut hole''; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) specifically prohibits the federal government from directly negotiating with drug manufacturers to obtain lower prices for covered drugs; and

Whereas, low-income Medicaid beneficiaries will lose protections and benefits they currently enjoy under Medicaid and will be subject to higher co-payments and lose any wrap-around coverage under Medicaid; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) requires non-Medicaid eligible low-income beneficiaries to be subject to a rigorous assets test; and

Whereas, while states are being relieved of their responsibility of offering drug coverage to 'dual eligibles,' they will be required to reimburse the federal government for a significant percent of the cost of drug benefits for these beneficiaries and states will also lose this group in their own negotiating pool for Medicaid drugs; and

Whereas, the deductible beneficiaries pay for drug coverage will be indexed to growth in aggregate Part D (prescription drug) expenditures; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) reduces home health reimbursement rates by an estimated $6.5 billion over 10 years and these lower reimbursement rates threaten beneficiaries' access to critical home health services: Now, therefore be it

Resolved, That this General Assembly of the State of Rhode Island and Providence Plantations hereby respectfully urges the United States Congress to amend the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) to address the serious gaps and issues raised in this resolution including: eliminating the prohibition on the federal government negotiating lower prices for drugs, narrowing the gap in the ''doughnut hole,'' liberalizing the restrictive asset test for persons with low incomes, changing the index for beneficiary contributions from drug price inflation to the consumer price index for beneficiary contributions from drug price inflation to the consumer price index, and restoring scheduled reductions in home care reimbursement; and be it further

Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the Honorable George W. Bush, President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Rhode Island Congressional Delegation

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POM 528. A resolution adopted by the House of Representatives of the General Assembly of the State of Rhode Island relative to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Finance.

HOUSE RESOLUTION

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) will result in significant savings for only a minority of beneficiaries with extremely large drugs bills and may cost some beneficiaries more in premiums, deductibles and co-pays than they will get back in benefits; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) provides no substantive drug benefits until 2006 other than a discount card that will provide minimal discounts on prescription drugs for most beneficiaries; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) creates a ''doughnut hole'' by suspending coverage for drug costs between $2,250 and $5,100 a year; and

Whereas, the average beneficiary is projected to spend $3,155 on drugs when the program starts, placing many of them within this large gap in prescription drug coverage caused by the ''doughnut hole''; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) specifically prohibits the federal government from directly negotiating with drug manufacturers to obtain lower prices for covered drugs; and

Whereas, low-income Medicaid beneficiaries will lose protections and benefits they currently enjoy under Medicaid and will be subject to higher co-payments and lose any wrap-around coverage under Medicaid; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) requires non-Medicaid eligible low-income beneficiaries to be subject to a rigorous asset test; and

Whereas, while states are being relieved of their responsibility of offering drug coverage to ''dual eligibles,'' they will be required to reimburse the federal government for a significant percent of the cost of drug benefits for these beneficiaries and states will also lose this group in their own negotiating pool for Medicaid drugs; and

Whereas, the deductible beneficiaries pay for drug coverage will be indexed to growth in aggregate Part D (prescription drug) expenditures; and

Whereas, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) reduces home health reimbursement rates by an estimated $6.5 billion over 10 years and these lower reimbursement rates threaten beneficiaries' access to critical home health services: Now, and therefore be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby respectfully urges the United States Congress to amend the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) to address the serious gaps and issues raised in this resolution including: eliminating the prohibition on the federal government negotiating lower prices for drugs, narrowing the gap in the ''doughnut hole'', liberalizing the restrictive asset test for persons with low incomes, changing the index for beneficiary contributions from drug price inflation to the consumer price index, and restoring scheduled reductions in home care reimbursement; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the Honorable George W. Bush, President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the Rhode Island Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2550. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States (Rept. No. 108–386).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 518. A bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy (Rept. No. 108–387).

S. 2526. A bill to reauthorize the Children's Hospitals Graduate Medical Education Program (Rept. No. 108–388).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2605. A bill to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, and for other purposes (Rept. No. 108–389).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 423. A bill to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities (Rept. No. 108–390).

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 2940. An original bill to amend the Older Americans Act of 1965 to assist States in preventing, detecting, treating, intervening in, and responding to elder abuse, neglect, and exploitation, and for other purposes (Rept. No. 108–391).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2391. To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises.

By Mr. JOHNSON, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1379. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2302. A bill to improve access to physicians in medically underserved areas.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2668. A bill for the relief of Griselda Lopez Negrete.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Francis J. Harvey, of California, to be Secretary of the Army.

*Richard Greco, Jr., of New York, to be an Assistant Secretary of the Navy.

Air Force nominations beginning Brig. Gen. David A. Brubaker and ending Colonel Stephen M. Sischo, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2004.

Army nomination of Maj. Gen. Raymond T. Odierno.

Army nominations beginning Colonel Rodney O. Anderson and ending Colonel James C. Yarbrough, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2004.

Navy nomination of Capt. Edward T. Reidy III.

Navy nomination of Capt. Gregory A. Timberlake.

Navy nomination of Capt. Edward H. Deets III.

Navy nomination of Rear Adm. (1h) Andrew M. Singer.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning Lauren F. *Aase and ending Susan E. * Young, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2004.

Army nominations beginning Julia A. Adams and ending Janet L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2003.

Army nomination of Graeme J. Boyett.

Navy nominations beginning Blaine E. Mowrey and ending Victoria A. Yoder, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2004.

Navy nominations beginning Jerris L. Bennett and ending Jesse J. Zimbauer, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2004.

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development.

By Mr. HATCH for the Committee on the Judiciary.

Robert Cramer Balfe III, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. DURBIN:

S. 2910. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food intended for human consumption, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM of Florida:

S. 2911. A bill to amend title XVIII of the Social Security Act to make improvements in the medicare competitive acquisition programs for certain items and services; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2912. A bill to award grants for the support of full-service community schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2913. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI:

S. 2914. A bill to amend the Internal Revenue Code of 1986 to provide incentives for alternative fuels and alternative fuel vehicles; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. BOND):

S. 2915. A bill to reauthorize programs under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) through September 30, 2005; to the Committee on Small Business and Entrepreneurship.

By Mr. CORNYN (for himself, Mr. SCHUMER, and Mr. SPECTER):

S. 2916. A bill to combat unlawful commercial sex activities by targeting demand, to protect children from being exploited by such activities, to prohibit the operation of sex tours, to assist State and local governments to enforce laws dealing with commercial sex activities, and for other purposes; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself and Mr. MCCAIN):

S. 2917. A bill to amend the National Aeronautics and Space Act of 1958 to establish a centennial challenge program and establish a National Aeronautics and Space Foundation; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN:

S. 2918. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. DASCHLE):

S. 2919. A bill to amend the Internal Revenue Code of 1986 to provide funding for Indian tribal prison facilities, and for other purposes; to the Committee on Finance.

By Mr. ENSIGN:

S. 2920. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. BREAUX, Mrs. FEINSTEIN, Mrs. HUTCHISON, and Mr. SESSIONS):

S. 2921. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th aniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORNYN:

S. 2922. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood

Institute with respect to research on pulmonary hypertension; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 2923. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

By Mr. SANTORUM:

S. 2924. A bill to amend the Public Health Service Act to provide for clinical research support grants, clinical research infrastructure grants, and a demonstration program on partnerships in clinical research, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANTORUM (for himself and Mrs. LINCOLN):

S. 2925. A bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. COLEMAN):

S. 2926. A bill to amend the internal Revenue Code of 1986 to allow taxpayers a credit against income tax for expenditures to remediate contaminated sites; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. GRAHAM of South Carolina, Mr. DURBIN, Ms. STABENOW, and Mr. DODD):

S. 2927. A bill to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2928. A bill to clarify the status of certain employee benefit plans under the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2929. A bill to amend title XVIII of the Social Security Act to extend the minimum medicare deadlines for filing claims to take into account delay in processing adjustments from secondary payor status to primary payor status; to the Committee on Finance.

By Ms. CANTWELL:

S. 2930. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. MCCONNELL, and Mr. MCCAIN):

S. 2931. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH:

S. 2932. A bill to establish the Mark O. Hatfield-Elizabeth Furse Scholarship and Excellence in Tribal Governance Foundation, and for other purposes; to the Committee on Indian Affairs.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. JOHNSON, and Mr. WYDEN):

S. 2933. A bill to amend the Public Health Service Act to expand the clinical trials drug data bank; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 2934. A bill to combat methamphetamine abuse in the United States; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 2935. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2936. A bill to restore land to the Enterprise Rancheria to rectify an inequitable taking of the land; to the Committee on Indian Affairs.

By Mr. DURBIN (for himself and Mr. REED):

S. 2937. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 2938. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; read the first time.

By Mr. LUGAR (for himself, Mrs. BOXER, Mr. CHAFEE, Mr. FEINGOLD, and Mr. COLEMAN):

S. 2939. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. GREGG:

S. 2940. An original bill to amend the Older Americans Act of 1965 to assist States in preventing, detecting, treating, intervening in, and responding to elder abuse, neglect, and exploitation, and for other purposes; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. CORNYN:

S. 2941. A bill to authorize the President to negotiate the creation of a North American Investment Fund to promote economic and infrastructure integration among Canada, Mexico, and the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 2942. A bill to amend the Internal Revenue Code of 1986 to provide that combat pay be treated as earned income for purposes of the earned income credit; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Res. 451. A resolution expressing the sense of the Senate that a postage stamp should be issued honoring Oskar Schindler; to the Committee on Governmental Affairs.

By Mr. CAMPBELL:

S. Res. 452. A resolution designating December 13, 2004, as ''National Day of the Horse'' and encouraging the people of the United States to be mindful of the contribution of horses to the economy, history, and character of the United States; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. CHAFEE, Mr. SARBANES, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, Mr. DAYTON, and Mr. LAUTENBERG):

S. Res. 453. A resolution expressing the sense of the Senate that the United States should prepare a comprehensive strategy for advancing and entering into international negotiations on a binding agreement that would swiftly reduce global mercury use and pollution to levels sufficient to protect public health and the environment; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 91

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 91, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. DOMENICI) 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. 1349

At the request of Mr. SMITH, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2038

At the request of Mr. BAYH, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2038, a bill to amend the Public Health Service Act to provide for influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 2158

At the request of Ms. COLLINS, the name of the Senator from Missouri

(Mr. TALENT) was added as a cosponsor of S. 2158, a bill to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation.

S. 2174

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2174, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 2422

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2422, a bill to amend the Internal Revenue Code of 1986 to allow certain modifications to be made to qualified mortgages held by a REMIC or a grantor trust.

S. 2437

At the request of Mr. ENSIGN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2437, 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. 2565

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2565, a bill to amend the Agriculture Adjustment Act to convert the dairy forward pricing program into a permanent program of the Department of Agriculture.

S. 2602

At the request of Mr. DODD, the names of the Senator from Michigan (Ms. STABENOW), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Florida (Mr. GRAHAM), the Senator from Oregon (Mr. WYDEN) and the Senator from New York (Mrs. CLINTON) 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. 2695

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 2695, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 2695, supra.

S. 2722

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2722, a bill to maintain and expand the steel import licensing and monitoring program.

S. 2844

At the request of Mr. SANTORUM, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2844, a bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

S. 2869

At the request of Mr. TALENT, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2869, a bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes.

S. 2877

At the request of Mr. GREGG, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 2877, a bill to reduce the special allowance for loans from the proceeds of tax exempt issues, and to provide additional loan forgiveness for teachers who teach mathematics, science, or special education.

S. CON. RES. 8

At the request of Ms. COLLINS, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Kansas (Mr. BROWNBACK), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Rhode Island (Mr. REED), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Ms. MURKOWSKI) 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. 67

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. CON. RES. 122

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Con. Res. 122, a concurrent resolution expressing the sense of the Congress regarding the policy of the United States at the 56th Annual Meeting of the International Whaling Commission.

S. CON. RES. 136

At the request of Mr. CONRAD, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. AKAKA), the Senator from Texas (Mr. CORNYN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Con. Res. 136, a concurrent resolution honoring and memorializing the passengers and crew of United Airlines Flight 93.

S. RES. 164

At the request of Mr. ENSIGN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

S. RES. 392

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. Res. 392, a resolution conveying the sympathy of the Senate to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 2910. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food intended for human consumption, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, when Americans sit down at the dinner table, their confidence in the safety of the food they are eating is based in part on the knowledge that the Federal Government is working hard to ensure their food is not contaminate. Right now, our food is the safest in the world, but there are widening gaps in our food safety net due to emerging threats and the fact that food safety oversight has evolved over time to spread over several government agencies. This mismatched, piecemeal approach to food safety could spell disaster if we do not act quickly and decisively.

A single food safety agency with authority based on sound scientific principles would provide this country with the greatest hope of reducing foodborne illnesses and preparing for a bioterrorist attack on our food supply.

The Centers for Disease Control and Prevention (CDC) estimates that as many as 76 million people suffer from food poisoning each year. Of those individuals, approximately 325,000 will be hospitalized, and more than 5,000 will die. Factors such as emerging pathogens, an aging population at high risk for foodborne illnesses, an increasing volume of food imports, and people eating outside their homes more often underscore the need for us to take charge and shed the old bureaucratic shackles that have tied us to the overlapping and inefficient ad hoc food safety system of the past.

I rise today to introduce the Safe Food Act of 2004. This legislation would create a single, independent Federal

food safety agency to administer all aspects of Federal food safety inspections, enforcement, standards-setting and research in order to protect public health. The components of the agencies now charged with protecting the food supply, primarily housed at the Food and Drug Administration and the Agriculture Department, would be transferred to this new agency.

The new Food Safety Administrator would be responsible for the safety of the food supply and would carry out that charge by implementing the registration and recordkeeping requirements of the Bioterrorism Act of 2002; ensuring slaughterhouses and food processing plants have procedures in place to prevent and reduce food contamination; regularly inspecting domestic food facilities, with inspection frequency based on risk; and centralizing the authority to detain, seize, condemn and recall food that is adulterated or misbranded. The Administrator would be charged with requiring food producers to make it possible for their products to be traced in the event of a foodborne illness outbreak in order to minimize the health impact of such an event.

The Administrator would also have the power to examine the food safety practices of foreign countries and work with the states to enforce food safety laws, including the ability to seek various civil and criminal penalties for serious violations of the food safety laws. The Administrator would also actively oversee public education and research programs on foodborne illness.

In this era of limited budgets, it is our responsibility to streamline the Federal food safety system. The United States simply cannot afford to continue operating multiple redundant systems. This is not about more regulation, a super agency, or increased bureaucracy. It is about common sense and the more effective marshaling of our existing resources.

I urge my colleagues to join me in supporting this important piece of legislation.

By Mr. FEINGOLD:

S. 2913. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, over the past year, I have come to this floor on a number of occasions to discuss the loss of manufacturing jobs in Wisconsin and around the country and ways in which I think that Congress should act to stem the flow of these jobs to foreign countries.

According to the Wisconsin Department of Workforce Development, Wisconsin has lost more than 80,000 manufacturing jobs since 2000. Nationally, according to the Bureau of Labor Statistics, the country has lost more than 2.8 million manufacturing jobs during that same time period. In addition to the loss of manufacturing jobs, I am deeply troubled by the Bush administration's contention that the outsourcing of American service sector and other jobs is good for the economy. I am concerned about the message that this policy sends to Wisconsinites and all Americans who are currently employed in these sectors.

There is something of a silver lining to the looming cloud of manufacturing and other jobs loss: the country's workforce development system.

In spite of stretched resources and long waiting lists for services, our workforce development boards are making a tremendous effort to retrain laid-off workers and other job seekers for new jobs. And this effort is clearly evident in Wisconsin, where my State's 11 workforce development boards are leading the way in finding innovative solutions to retraining workers for new careers on shoestring budgets.

I strongly support the work of these agencies, and have urged the administration and Senate appropriators to provide adequate funding for the job training programs authorized by the Workforce Investment Act. I regret that the administration's budget request for fiscal year 2005 does not provide adequate funding for WIA, and I will continue to work to ensure that the workforce development boards in my State and across our country receive the resources that they need to help job seekers get the training they need to be successful.

I am committed to finding resources to retrain those who have been laid off from the manufacturing and service sectors and who wish to find new jobs in high-demand fields such as health care.

As most of my colleagues know all too well, we are facing a significant shortage of health care workers. Congress has made some progress in addressing the nursing shortage, but we need to expand our efforts. Shortages of health professionals pose a real threat to the health of our communities by impacting access to timely, high-quality health care. Studies have shown that shortages of nurses in our hospitals and health facilities increase medical errors, which directly affects patient health.

As our population ages, and the baby-boomers need more health care, our need for all types of health professionals is only going to increase. This is particularly true for the field of long-term care. According to the Bureau of Labor Statistics, we are going to need an additional 1.2 million nursing aides, home health aides, and other health professionals in long-term care before the year 2010.

As our demand for health care workers grows, so does the number of jobs available within this sector. Currently, health services is the largest industry in the country, providing 12.9 million jobs in 2002. It is estimated that 16 percent of all new jobs created between 2002 and 2012 will be in health services. This accounts for 3.5 million new jobs—more than any other industry.

Workforce development agencies in my home State of Wisconsin are already working to support displaced workers in their communities by training them for health care jobs, since there is a real need for workers in these fields. These agencies are helping communities get and maintain access to high-quality health care by ensuring that there are enough health care workers to care for their communities.

As the executive director of one of the workforce development boards in my State put it, ''[t]here are simply not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a 'living wage' and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family-oriented standard of living.''

I believe we need to support our communities in these efforts by providing them with the resources they need to establish, sustain, or expand these important programs. For that reason, today I am introducing the Community-Based Health Care Retraining Act. This bill would amend the Workforce Investment Act to authorize a demonstration project to provide grants to community-based coalitions, led by local workforce development boards, to create programs to retrain unemployed workers who wish to obtain new jobs in the health care professions. My bill would authorize a total of $25 million for grants between $100,000 and $500,000, and, in the interest of fiscal responsibility, it ensures that these grants would be offset.

This bill will help provide communities with the resources they need to run retraining programs for the health professions. The funds could be used for a variety of purposes—from increasing the capacity of our schools and training facilities, to providing financial and social support for workers who are in retraining programs. This bill is flexible in what the grant funds could be used for, because I believe that communities know best about the resources they need to run an efficient program.

This bill represents a nexus in my efforts to support workers whose jobs have been shipped overseas and to ensure that all Americans have access to the high-quality health care that they deserve. By providing targeted assistance to train laid-off workers who wish to obtain new jobs in the health care sector, we can both help unemployed Americans and improve the availability and quality of health care that is available in our communities.

I am pleased that this bill is supported by a variety of organizations that are committed to providing high-quality job training and health care services, including: the National Association of Workforce Boards, the American Health Care Association, the Wisconsin Association of Job Training Executives, Northwest Wisconsin Concentrated Employment Program, the

Northwest Wisconsin Workforce Investment Board, and the Southwestern Wisconsin Workforce Development Board.

I ask unanimous consent that the full text of this bill, and the text of the letters of support from the above-mentioned groups, be printed in the RECORD at the conclusion of my remarks.

In order to ensure that our workers are able to compete in the new economy, we must ensure that they have the tools they need to be trained or retrained for high-demand jobs such as those in the health care field. My bill is a small step toward providing the resources necessary to achieve this goal. I will continue to work to strengthen the American manufacturing sector and to support those workers who have been displaced due to bad trade agreements and other policies that have led to the loss of American jobs.

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

S. 2913

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Community-Based Health Care Retraining Act''.

SEC. 2. HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

''(e) HEALTH PROFESSIONS TRAINING DEMONSTRATION PROJECT.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED COMMUNITY.—The term 'covered community' means a community or region that—

''(i) has experienced a significant percentage decline in positions in the manufacturing or service sectors; and

''(ii)(I) is eligible for designation under section 332 of the Public Health Service Act (42 U.S.C. 254e) as a health professional shortage area;

''(II) is eligible to be served by a health center under section 330 or a grantee under section 330(h) (relating to homeless individuals) of the Public Health Service Act (42 U.S.C. 254b, 254b(h));

''(III) has a shortage of personal health services, as determined under criteria issued by the Secretary of Health and Human Services under section 1861(aa)(2) of the Social Security Act (relating to rural health clinics) (42 U.S.C. 1395x(aa)(2)); or

''(IV) is designated by a Governor (in consultation with the medical community) as a shortage area or medically underserved community.

''(B) COVERED WORKER.—The term 'covered worker' means an individual who—

''(i)(I) has been terminated or laid off, or who has received a notice of termination or layoff, from employment in a manufacturing or service sector;

''(II)(aa) is eligible for or has exhausted entitlement to unemployment compensation; or

''(bb) has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

''(III) is unlikely to return to a previous industry or occupation; or

''(ii)(I) has been terminated or laid off, or has received a notice of termination or layoff, from employment in a manufacturing or service sector as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or

''(II) is employed in a manufacturing or service sector at a facility at which the employer has made a general announcement that such facility will close within 180 days.

''(C) HEALTH CARE PROFESSIONAL.—The term 'health care professional'—

''(i) means an individual who is involved with—

''(I) the delivery of health care services, or related services, pertaining to—

''(aa) the identification, evaluation, and prevention of diseases, disorders, or injuries; or

''(bb) home-based or community-based long-term care;

''(II) the delivery of dietary and nutrition services; or

''(III) rehabilitation and health systems management; and

''(ii) includes nurses, home health aides, nursing assistants, physician assistants, dental hygienists, diagnostic medical sonographers, dietitians, medical technologists, occupational therapists, physical therapists, radiographers, respiratory therapists, emergency medical service technicians, and speech-language pathologists.

''(2) ESTABLISHMENT OF PROJECT.—In accordance with subsection (b), the Secretary shall establish and carry out a health professions training demonstration project.

''(3) GRANTS.—In carrying out the project, the Secretary, after consultation with the Secretary of Health and Human Services, shall make grants to eligible entities to enable the entities to carry out programs in covered communities to train covered workers for employment as health care professionals. The Secretary shall make each grant in an amount of not less than $100,000 and not more than $500,000.

''(4) ELIGIBLE ENTITIES.—Notwithstanding subsection (b)(2)(B), to be eligible to receive a grant under this subsection to carry out a program in a covered community, an entity shall be a partnership that is—

''(A) under the direction of a local workforce investment board established under section 117 that is serving the covered community; and

''(B) composed of members serving the covered community, such as—

''(i) a community college;

''(ii) a vocational or technical school;

''(iii) a health clinic or hospital;

''(iv) a home-based or community-based long-term care facility or program; or

''(v) a health care facility administered by the Secretary of Veterans Affairs.

''(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including, at a minimum—

''(A) a proposal to use the grant funds to establish or expand a training program in order to train covered workers for employment as health care professionals or paraprofessionals;

''(B) information demonstrating the need for the training and support services to be provided through the program;

''(C) information describing the manner in which the entity will expend the grant funds, and the activities to be carried out with the funds; and

''(D) information demonstrating that the entity meets the requirements of paragraph (4).

''(6) SELECTION.—In making grants under paragraph (3), the Secretary, after consultation with the Secretary of Health and Human Services, shall select—

''(A) eligible entities submitting applications that meet such criteria as the Secretary of Labor determines to be appropriate; and

''(B) among such entities, the eligible entities serving the covered communities with the greatest need for the grants and the greatest potential to benefit from the grants.

''(7) USE OF FUNDS.—

''(A) IN GENERAL.—An entity that receives a grant under this subsection shall use the funds made available through the grant for training and support services that meet the needs described in the application submitted under paragraph (5), which may include—

''(i) increasing capacity at an educational institution or training center to train individuals for employment as health professionals, such as by—

''(I) expanding a facility, subject to subparagraph (B);

''(II) expanding course offerings;

''(III) hiring faculty;

''(IV) providing a student loan repayment program for the faculty;

''(V) establishing or expanding clinical education opportunities;

''(VI) purchasing equipment, such as computers, books, clinical supplies, or a patient simulator; or

''(VII) conducting recruitment; or

''(ii) providing support services for covered workers participating in the training, such as—

''(I) providing tuition assistance;

''(II) establishing or expanding distance education programs;

''(III) providing transportation assistance; or

''(IV) providing child care.

''(B) LIMITATION.—To be eligible to use the funds to expand a facility, the eligible entity shall demonstrate to the Secretary in an application submitted under paragraph (5) that the entity can increase the capacity described in subparagraph (A)(i) only by expanding the facility.

''(8) FUNDING.—Of the amounts appropriated to, and available at the discretion of, the Secretary or the Secretary of Health and Human Services for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish and carry out the demonstration project described in paragraph (2) in accordance with this subsection.''.

NATIONAL ASSOCIATION OF WORKFORCE BOARDS,
Washington, DC, September 28, 2004.

Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: This letter is in regards to your bill, the Community-Based Health Care Retraining Act, which seeks to establish a demonstration project to train unemployed workers for employment as health care professionals. The National Association of Workforce Boards (NAWB) would like to support your efforts in linking America's workforce investment boards with health care training. Our members can be a valuable resource in the transition of manufacturing workers to the numerous employment opportunities in the health care field.

NAWB is the national association that represents the interests of the 650 workforce investment boards across the country. These boards consist of over 15,000 private sector

business leaders, appointed by their Governors and local elected officials, who provide leadership and governance for the public workforce development system. In existence since 1979, NANWB has been a leader in the effort to create a public workforce system. that is responsive to businesses and job seekers alike.

As you know, meeting the ever-increasing needs of America's workers and employers is critical for prosperity in the United States. Developing an educated and skilled workforce to attract and retain business is a challenge facing all communities. The growing education and workforce skills mismatch between what the current American workforce offers and what employers need is particularly acute in high-skill industry sectors. However, these are the very industries that hold the most economic promise for our current workers and the emerging workforce, our nation's young people. The challenge posed for policy makers is aligning America's workforce with rapidly changing economic conditions and opportunities, while simultaneously maintaining competitiveness to minimize off-shoring.

Four of five U.S. manufacturers struggled to find candidates for skilled jobs, according to a 2003 survey by the National Association of Manufacturers. Ironically, this search for skilled workers occurred while many plants were going thorough layoffs. The United States has seen 3 million manufacturing jobs disappear.

Workers have permanently lost the jobs they once held at these factories. New opportunities must be made to allow a transition into new employment, especially for those who cannot recover their job if demand increases. But in order to do this, training dollars must be made available to those employees who cannot regain employment within the manufacturing industry.

Through your bill, employers in the health care industry that desperately need skilled workers can find the human capital they desire in those who have been permanently laid off from their manufacturing job. There has been an enormous increase in the number of nursing and direct care professional opportunities within the long-term care arena, particularly within home-based care. These opportunities are not only based on the number of employees needed. They require a high level of skill, knowledge and compassion to work in long-term care. Training dollars must be available to introduce educated employees to the health care industry.

Employers on the lay-off end of manufacturing employment and employers on the hiring end of health care industries need to tap all available employment and training resources. NAWB can assist both sides of the equation by connecting employers with their local workforce boards. Investing in training our workers is critical.

Our CEO, Ms. Stephanie Powers, is available to provide your staff with any information you may require (phone: (202) 775–0960 or email: powerss@nawb.org). Thank you for your interest in our organization and the members we represent. The National Association of Workforce Boards remains committed to working with Congress as we continue our mission to build a stronger, more competitive American workforce.

Sincerely,

J. MICHAEL ZELLEY,
President, The Disability Network, Flint, MI, and Co-Chair, Policy Committee, National Association of Workforce Boards.

JEFFREY HOWE,
Vice President, Manager, Indiana Commercial Banking, First Indiana Bank, N.A., Indianapolis, IN, and Chair, National Association of Workforce Boards.

AMERICAN HEALTH CARE ASSOCIATION,
Washington, DC, September 29, 2004.

Hon. RUSSELL D. FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINGOLD: On behalf of the American Health Care Association, the nation's largest association of long term care providers, and the National Center for Assisted Living, I am writing you to offer our support for enactment of the ''Community-Based Health Care Retraining Act'' you are introducing.

Today, there is a critical shortage of health and long term care professionals and paraprofessionals and it is growing. In our nation's nursing facilities, there is a need for more than 90,000 nurses and certified nursing assistants right now to provide the hands-on care needed by the frail and elderly. The need for these direct care workers will grow dramatically in the future as the baby boom population moves into retirement. America's high standard for quality can only be maintained if there are enough front-line workers to provide the direct hands-on care that will be needed. This is not a job that can be handled off-shore.

Your legislation will help to address this shortage by providing the means for a growing number of displaced manufacturing and service sector workers to begin building new careers in the health and long term care sectors. It does so by utilizing federal dollars to redirect these displaced workers into health care careers. It provides for expanding the nation's training capacity and by increasing number of educators that are and will be needed to make this transition successful.

Senator Feingold, we commend you for the leadership you are providing with the introduction of this legislation and look forward to working with you to see this legislation passed and enacted at the earliest opportunity.

Sincerely,

HAL DAUB,
President & CEO.

WISCONSIN ASSOCIATION OF
JOB TRAINING EXECUTIVES,
August 10, 2004.

Senator RUSS FEINGOLD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: On behalf of the Wisconsin Association of Job Training Executives (WAJTE), I am writing to express our strong support for the proposed legislation designed to address two significant workforce issues—the loss of large numbers of manufacturing and service sector jobs and the critical shortage of health care professionals. As you know, both of these issues currently challenge the workforce development delivery systems in Wisconsin.

Our association members are the chief executives of each of Wisconsin's eleven Workforce Development Boards who have the responsibility for overseeing the health of the local economies in partnership with business, education, and local governments. The proposed legislation offers these specific strengths.

Ensures that eligible entities shall be a partnership under the direction of a local board.

Limits grant funds to training programs for health care professionals.

Allows for the use of grant funds for support services as well as training.

Allows for capacity expansion in educational institutions.

If WAJTE members can be of assistance to you as this legislation is introduced, please do not hesitate to contact us.

Sincerely,

FRANCISCO SANCHEZ,
Chairman.

CEP—WIB,
Ashland, WI, September 30, 2004.

Senator RUSS FEINGOLD,
Hart Senate Building, Washington, DC.

DEAR SENATOR FEINGOLD: On behalf of the Northwest Wisconsin Concentrated Employment Program, Inc. and the Northwest Wisconsin Workforce Investment Board, Inc., I want to express our enthusiastic support in the Community-Based Health Care Retraining Act in Wisconsin.

This initiative will help to strengthen the economy of our area. Some of our counties in Northwest Wisconsin are experiencing high labor shortages particularly in the health care industries. Further, our area wages are approximately 24% less than the State average, which adds to a poverty situation made worse by rural isolation. This Community-Based Health Care Retraining Act will address these serious economic issues and help to alleviate the severe shortage of health care workers.

This Act provides hope for the future economy and people of our State. Please contact me if we can be of any further assistance.

Sincerely yours,

FRED SCHNOOK,
Executive Director.

SOUTHWEST WISCONSIN
WORKFORCE DEVELOPMENT BOARD,
Dodgeville, WI, August 4, 2004.

Hon. RUSS FEINGOLD,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINGOLD: I would like to take this opportunity to comment on your proposed legislation regarding health-care retraining. I believe it is an excellent proposal that will address a serious need particularly within rural communities. Please allow me to elaborate on several points that support this legislation.

First, as executive director for a primarily rural workforce development area, I can tell you how difficult it is to replace manufacturing jobs. There simply are not many good quality jobs to replace manufacturing jobs lost to rural communities. The medical professions, by offering a ''living wage'' and good benefits, provide an excellent alternative to manufacturing for sustaining a higher, family-oriented standard of living. Health-care is also a regional scope, providing job opportunities for workers in surrounding communities. Furthermore, medical professions are not exportable and there is virtually no chance that health-care jobs will be shipped out-of-country or overseas.

Second, I am chairperson of a small, rural community hospital. For many years we have struggled to survive in a very competitive market surrounded by large, corporate medical organizations/hospitals in Janesville and Madison. I believe that our hospital has a unique role within our community—as a community-based facility we are closer to our patients and can provide personalized ''hometown'' care. One of our biggest problems is our ability to attract and retain qualified, experienced health-care workers. With the impending shortage caused by the retirement of ''baby boomers'' we will find ourselves in an even more difficult role as larger facilities offer higher salaries, better benefits, incentive and sign-on bonuses, etc. to attract and retain the workers they need. Rural hospitals will find themselves left out and unable to compete for the caregivers we need.

Third, there are several key organizations that lie at the core of any community that

are vital to the quality of life within that community. Schools are one example of this type of organizations. Hospitals, nursing homes and other types of medical facilities are other examples of key organizations that support a higher standard of life within a rural community.

And finally, I would like to thank the Senator for recognizing the vital role that Workforce Development Boards (WDBs) play in our areas. The WDBs are regional organizations providing oversight and coordination for economic and workforce development activities. Furthermore, there are few organizations today that are advocates for the ''worker''. I believe that WDBs are an example of such an organization. And, I believe it is critical to the success of a program that the WDBs serve as the coordinating agency for the delivery of this type of program.

For the reasons stated above, I strongly support your proposed Health-Care Retraining Bill. Thank you for the chance to offer my comments. I look forward to the opportunity to participate in, what I believe to be, a meaningful and critically important program particularly for the rural communities.

Sincerely,

ROBERT T. BORREMANS,
Executive Director.

By Ms. MIKULSKI:

S. 2914. A bill to amend the Internal Revenue Code of 1986 to provide incentives for alternative fuels and alternative fuel vehicles; to the Committee on Finance.

Ms. MIKULSKI. Mr. President, I rise today to introduce the ''Common Sense Automobile Affordability Act Of 2004''. My colleagues from Maryland introduced a similar bill in the House. I believe in energy conservation. I also believe in job conservation. We can improve the fuel efficiency of our cars without sticking a knife through the hearts of our Nation's auto workers. That is what I am going to keep standing up for in the U.S. Senate.

When I consider any energy proposal, I apply four criteria. First, the proposal must achieve real savings in oil consumption. Secondly, the proposal also must preserve U.S. jobs. Next, the proposal must be realizable and achievable. And, lastly, it must create incentives to help companies achieve these goals.

I agree with the goals of energy efficient vehicle tax breaks—fuel efficiency and energy conservation. I believe we need to reduce our dependence on foreign oil. The U.S. imports about twenty million barrels of oil a day, roughly 40 percent of that goes to fuel cars and light trucks. Half of our oil is imported and a quarter of our oil is imported from the Persian Gulf. Reducing our dependence on foreign oil would make us more flexible in the war against terror.

That's why I support the provisions of the energy bill that provide incentives for energy efficiency and fuel conservation. But, we need to be more fuel efficient in a way that doesn't cost American jobs.

Our current tax breaks for energy efficient vehicles provides more help for foreign car manufacturers than U.S. car manufacturers. Small cars receive more tax breaks, and small cars are often made by foreign auto companies.

Our current tax breaks penalize U.S. automakers, because current tax incentives are not geared toward the SUV's or light trucks that American consumers want and American companies make.

Our domestic automakers have been weakened by the current recession. And, we can't rely on foreign manufacturers to provide American jobs. The United Auto Workers (UAW) has seen its membership drop significantly from 1980 through 2000 from 1.4 million members in 1980 down to 670,000 today. That means that our auto workers are being left behind.

I have seen it in Baltimore. Over 1,000 workers were recently laid off at the GM plant, and the plant went through another shutdown after slow sales. This is not just happening in Maryland. GM shut down fourteen of its twenty-nine North American assembly plans for at least a week last year.

American workers are being laid off because, while automobile imports are rising, and our domestic auto share is falling, only 64 percent of cars bought in America are built in America. That's down from 73.9 percent in 1994.

We need common sense tax breaks that provide Americans with good jobs, reduce our dependence on foreign oil and help clean up the environment.

That's why I'm introducing legislation that would repeal the sunsets on existing clean vehicle tax breaks and replace the existing clean fuels tax breaks after 2006 with a comprehensive set of new tax credits of up to $4,000. These tax breaks could be used to buy energy efficient vehicles, including hybrid vehicles, fuel cell vehicles, diesel ''lean burn'' vehicles, and alternative fuel vehicles. There are also additional bonuses for increased fuel conservation and fuel efficiency. My bill includes incentives for all the major clean fuel technologies. There are larger credits for trucks and transit buses that are often American made.

I also support the Hydrogen Fuel Cell Act introduced by my colleague from North Dakota. This bill would provide research money for a hydrogen fuel cell vehicle tax research and development programs.

We can have both energy conservation and job conservation. That's what I'm fighting for. It will take innovative solutions, improved technology, and the setting of realistic, achievable goals. That's what my legislation encourages. With the right incentives to increase demand for cutting edge technologies, to increase U.S. manufacturing capacity of fuel efficient vehicles, and to provide good paying jobs for Americans.

I urge my colleagues to join me in supporting these goals and this bill.

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

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

S. 2914

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Common Sense Automobile Efficiency Act of 2004''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF PHASEOUTS FOR QUALIFIED ELECTRIC VEHICLE CREDIT AND DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—Subsection (b) of section 30 (relating to limitations) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.—Paragraph (1) of section 179A(b) (relating to qualified clean-fuel vehicle property) is amended to read as follows:

''(1) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—The cost which may be taken into account under subsection (a)(1)(A) with respect to any motor vehicle shall not exceed—

''(A) in the case of a motor vehicle not described in subparagraph (B) or (C), $2,000,

''(B) in the case of any truck or van with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds, $5,000, or

''(C) $50,000 in the case of—

''(i) a truck or van with a gross vehicle weight rating greater than 26,000 pounds, or

''(ii) any bus which has a seating capacity of at least 20 adults (not including the driver).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 3. ALTERNATIVE MOTOR VEHICLE CREDIT.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

''SEC. 30B. ALTERNATIVE MOTOR VEHICLE CREDIT.

''(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) the new qualified fuel cell motor vehicle credit determined under subsection (b),

''(2) the new advanced lean burn technology motor vehicle credit determined under subsection (c),

''(3) the new qualified hybrid motor vehicle credit determined under subsection (d), and

''(4) the new qualified alternative fuel motor vehicle credit determined under subsection (e).

''(b) NEW QUALIFIED FUEL CELL MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified fuel cell motor vehicle credit determined under this subsection with respect to a new qualified fuel cell motor vehicle placed in service by the taxpayer during the taxable year shall be determined in accordance with the following table:

''In the case of a vehicle which has a gross vehicle weight rating of—	**The new qualified fuel cell motor vehicle credit is—**
Not more than 8,500 lbs	$4,000
More than 8,500 lbs but not more than 14,000 lbs.	$10,000

"In the case of a vehicle which has a gross vehicle weight rating of—	The new qualified fuel cell motor vehicle credit is—
More than 14,000 lbs but not more than 26,000 lbs.	$20,000
More than 26,000 lbs	$40,000.

''(2) INCREASE FOR FUEL EFFICIENCY.—

''(A) IN GENERAL.—The amount determined under paragraph (1) with respect to a new qualified fuel cell motor vehicle which is a passenger automobile or light truck shall be increased by the additional credit amount.

''(B) ADDITIONAL CREDIT AMOUNT.—For purposes of subparagraph (A), the additional credit amount shall be determined in accordance with the following table:

"In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	The additional credit amount is—
At least 150 percent but less than 175 percent.	$1,000
At least 175 percent but less than 200 percent.	$1,500
At least 200 percent but less than 225 percent.	$2,000
At least 225 percent but less than 250 percent.	$2,500
At least 250 percent but less than 275 percent.	$3,000
At least 275 percent but less than 300 percent.	$3,500
At least 300 percent	$4,000.

''(3) NEW QUALIFIED FUEL CELL MOTOR VEHICLE.—For purposes of this subsection, the term 'new qualified fuel cell motor vehicle' means a motor vehicle—

''(A) which is propelled by power derived from one or more cells which convert chemical energy directly into electricity by combining oxygen with hydrogen fuel which is stored on board the vehicle in any form and may or may not require reformation prior to use,

''(B) which, in the case of a passenger automobile or light truck, has received—

''(i) a certificate of conformity under the Clean Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(ii) a certificate that such vehicle meets or exceeds the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle,

''(C) the original use of which commences with the taxpayer,

''(D) which is acquired for use or lease by the taxpayer and not for resale, and

''(E) which is made by a manufacturer.

''(c) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new advanced lean burn technology motor vehicle credit determined under this subsection with respect to a new advanced lean burn technology motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

''(2) CREDIT AMOUNT.—

''(A) FUEL ECONOMY.—The credit amount determined under this paragraph shall be determined in accordance with the following table:

"In the case of a vehicle which achieves a fuel economy (expressed as a percentage of the 2002 model year city fuel economy) of—	The credit amount is—
At least 125 percent but less than 150 percent.	$400
At least 150 percent but less than 175 percent.	$800
At least 175 percent but less than 200 percent.	$1,200
At least 200 percent but less than 225 percent.	$1,600
At least 225 percent but less than 250 percent.	$2,000
At least 250 percent	$2,400.

''(B) CONSERVATION CREDIT.—The amount determined under subparagraph (A) with respect to a new advanced lean burn technology motor vehicle shall be increased by the conservation credit amount determined in accordance with the following table:

"In the case of a vehicle which achieves a lifetime fuel savings (expressed in gallons of gasoline) of—	The conservation credit amount is—
At least 1,200 but less than 1,800	$250
At least 1,800 but less than 2,400	$500
At least 2,400 but less than 3,000	$750
At least 3,000	$1,000.

''(3) NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE.—For purposes of this subsection, the term 'new advanced lean burn technology motor vehicle' means a passenger automobile or a light truck—

''(A) with an internal combustion engine which—

''(i) is designed to operate primarily using more air than is necessary for complete combustion of the fuel,

''(ii) incorporates direct injection,

''(iii) achieves at least 125 percent of the 2002 model year city fuel economy, and

''(iv) for 2004 and later model vehicles, has received a certificate that such vehicle meets or exceeds—

''(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(B) the original use of which commences with the taxpayer,

''(C) which is acquired for use or lease by the taxpayer and not for resale, and

''(D) which is made by a manufacturer.

''(4) LIFETIME FUEL SAVINGS.—For purposes of this subsection, the term 'lifetime fuel savings' means, in the case of any new advanced lean burn technology motor vehicle, an amount equal to the excess (if any) of—

''(A) 120,000 divided by the 2002 model year city fuel economy for the vehicle inertia weight class, over

''(B) 120,000 divided by the city fuel economy for such vehicle.

''(d) NEW QUALIFIED HYBRID MOTOR VEHICLE CREDIT.—

''(1) IN GENERAL.—For purposes of subsection (a), the new qualified hybrid motor vehicle credit determined under this subsection with respect to a new qualified hybrid motor vehicle placed in service by the taxpayer during the taxable year is the credit amount determined under paragraph (2).

''(2) CREDIT AMOUNT.—

''(A) CREDIT AMOUNT FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—In the case of a new qualified hybrid motor vehicle which is a passenger automobile or light truck and which has a gross vehicle weight rating of not more than 8,500 pounds, the amount determined under this paragraph is the sum of the amounts determined under clauses (i) and (ii).

''(i) FUEL ECONOMY.—The amount determined under this clause is the amount which would be determined under subsection (c)(2)(A) if such vehicle were a vehicle referred to in such subsection.

''(ii) CONSERVATION CREDIT.—The amount determined under this clause is the amount which would be determined under subsection (c)(2)(B) if such vehicle were a vehicle referred to in such subsection.

''(B) CREDIT AMOUNT FOR OTHER MOTOR VEHICLES.—

''(i) IN GENERAL.—In the case of any new qualified hybrid motor vehicle to which subparagraph (A) does not apply, the amount determined under this paragraph is the amount equal to the applicable percentage of the qualified incremental hybrid cost of the vehicle as certified under clause (v).

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is—

''(I) 20 percent if the vehicle achieves an increase in city fuel economy relative to a comparable vehicle of at least 30 percent but less than 40 percent,

''(II) 30 percent if the vehicle achieves such an increase of at least 40 percent but less than 50 percent, and

''(III) 40 percent if the vehicle achieves such an increase of at least 50 percent.

''(iii) QUALIFIED INCREMENTAL HYBRID COST.—For purposes of this subparagraph, the qualified incremental hybrid cost of any vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a comparable vehicle, to the extent such amount does not exceed—

''(I) $10,000, if such vehicle has a gross vehicle weight rating of not more than 14,000 pounds,

''(II) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(III) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(iv) COMPARABLE VEHICLE.—For purposes of this subparagraph, the term 'comparable vehicle' means, with respect to any new qualified hybrid motor vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in weight, size, and use to such vehicle.

''(v) CERTIFICATION.—A certification described in clause (i) shall be made by the manufacturer and shall be determined in accordance with guidance prescribed by the Secretary. Such guidance shall specify procedures and methods for calculating fuel economy savings and incremental hybrid costs.

''(3) NEW QUALIFIED HYBRID MOTOR VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'new qualified hybrid motor vehicle' means a motor vehicle—

''(i) which draws propulsion energy from onboard sources of stored energy which are both—

''(I) an internal combustion or heat engine using consumable fuel, and

''(II) a rechargeable energy storage system,

''(ii) which, in the case of a vehicle to which paragraph (2)(A) applies, has received a certificate of conformity under the Clean

Air Act and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act for that make and model year, and

''(I) in the case of a vehicle having a gross vehicle weight rating of 6,000 pounds or less, the Bin 5 Tier II emission standard established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act for that make and model year vehicle, and

''(II) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard which is so established,

''(iii) which has a maximum available power of at least—

''(I) 4 percent in the case of a vehicle to which paragraph (2)(A) applies,

''(II) 10 percent in the case of a vehicle which has a gross vehicle weight rating or more than 8,500 pounds and not than 14,000 pounds, and

''(III) 15 percent in the case of a vehicle in excess of 14,000 pounds,

''(iv) which, in the case of a vehicle to which paragraph (2)(B) applies, has an internal combustion or heat engine which has received a certificate of conformity under the Clean Air Act as meeting the emission standards set in the regulations prescribed by the Administrator of the Environmental Protection Agency for 2004 through 2007 model year diesel heavy duty engines or ottocycle heavy duty engines, as applicable,

''(v) the original use of which commences with the taxpayer,

''(vi) which is acquired for use or lease by the taxpayer and not for resale, and

''(vii) which is made by a manufacturer.

Such term shall not include any vehicle which is not a passenger automobile or light truck if such vehicle has a gross vehicle weight rating of less than 8,500 pounds.

''(B) CONSUMABLE FUEL.—For purposes of subparagraph (A)(i)(I), the term 'consumable fuel' means any solid, liquid, or gaseous matter which releases energy when consumed by an auxiliary power unit.

''(C) MAXIMUM AVAILABLE POWER.—

''(i) CERTAIN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—In the case of a vehicle to which paragraph (2)(A) applies, the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by such maximum power and the SAE net power of the heat engine.

''(ii) OTHER MOTOR VEHICLES.—In the case of a vehicle to which paragraph (2)(B) applies, the term 'maximum available power' means the maximum power available from the rechargeable energy storage system, during a standard 10 second pulse power or equivalent test, divided by the vehicle's total traction power. For purposes of the preceding sentence, the term 'total traction power' means the sum of the peak power from the rechargeable energy storage system and the heat engine peak power of the vehicle, except that if such storage system is the sole means by which the vehicle can be driven, the total traction power is the peak power of such storage system.

''(e) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.—

''(1) ALLOWANCE OF CREDIT.—Except as provided in paragraph (5), the new qualified alternative fuel motor vehicle credit determined under this subsection is an amount equal to the applicable percentage of the incremental cost of any new qualified alternative fuel motor vehicle placed in service by the taxpayer during the taxable year.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) 40 percent, plus

''(B) 30 percent, if such vehicle—

''(i) has received a certificate of conformity under the Clean Air Act and meets or exceeds the most stringent standard available for certification under the Clean Air Act for that make and model year vehicle (other than a zero emission standard), or

''(ii) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the most stringent standard available for certification under the State laws of California (enacted in accordance with a waiver granted under section 209(b) of the Clean Air Act) for that make and model year vehicle (other than a zero emission standard).

For purposes of the preceding sentence, in the case of any new qualified alternative fuel motor vehicle which has a gross vehicle weight rating of more than 14,000 pounds, the most stringent standard available shall be such standard available for certification on the date of this act.

''(3) INCREMENTAL COST.—For purposes of this subsection, the incremental cost of any new qualified alternative fuel motor vehicle is equal to the amount of the excess of the manufacturer's suggested retail price for such vehicle over such price for a gasoline or diesel fuel motor vehicle of the same model, to the extent such amount does not exceed—

''(A) $5,000, if such vehicle has a gross vehicle weight rating of not more than 8,500 pounds,

''(B) $10,000, if such vehicle has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds,

''(C) $25,000, if such vehicle has a gross vehicle weight rating of more than 14,000 pounds but not more than 26,000 pounds, and

''(D) $40,000, if such vehicle has a gross vehicle weight rating of more than 26,000 pounds.

''(4) NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'new qualified alternative fuel motor vehicle' means any motor vehicle—

''(i) which is only capable of operating on an alternative fuel,

''(ii) the original use of which commences with the taxpayer,

''(iii) which is acquired by the taxpayer for use or lease, but not for resale, and

''(iv) which is made by a manufacturer.

''(B) ALTERNATIVE FUEL.—The term 'alternative fuel' means compressed natural gas, liquefied natural gas, liquefied petroleum gas, hydrogen, and any liquid at least 85 percent of the volume of which consists of methanol.

''(5) CREDIT FOR MIXED-FUEL VEHICLES.—

''(A) IN GENERAL.—In the case of a mixed-fuel vehicle placed in service by the taxpayer during the taxable year, the credit determined under this subsection is an amount equal to—

''(i) in the case of a 75/25 mixed-fuel vehicle, 70 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle, and

''(ii) in the case of a 90/10 mixed-fuel vehicle, 90 percent of the credit which would have been allowed under this subsection if such vehicle was a qualified alternative fuel motor vehicle.

''(B) MIXED-FUEL VEHICLE.—For purposes of this subsection, the term 'mixed-fuel vehicle' means any motor vehicle described in subparagraph (C) or (D) of paragraph (3), which—

''(i) is certified by the manufacturer as being able to perform efficiently in normal operation on a combination of an alternative fuel and a petroleum-based fuel,

''(ii) either—

''(I) has received a certificate of conformity under the Clean Air Act, or

''(II) has received an order certifying the vehicle as meeting the same requirements as vehicles which may be sold or leased in California and meets or exceeds the low emission vehicle standard under section 88.105–94 of title 40, Code of Federal Regulations, for that make and model year vehicle,

''(iii) the original use of which commences with the taxpayer,

''(iv) which is acquired by the taxpayer for use or lease, but not for resale, and

''(v) which is made by a manufacturer.

''(C) 75/25 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '75/25 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 75 percent alternative fuel and not more than 25 percent petroleum-based fuel.

''(D) 90/10 MIXED-FUEL VEHICLE.—For purposes of this subsection, the term '90/10 mixed-fuel vehicle' means a mixed-fuel vehicle which operates using at least 90 percent alternative fuel and not more than 10 percent petroleum-based fuel.

''(f) LIMITATION ON NUMBER OF NEW QUALIFIED HYBRID AND ADVANCED LEAN-BURN TECHNOLOGY VEHICLES ELIGIBLE FOR CREDIT.—

''(1) IN GENERAL.—In the case of a qualified vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (c) or (d) shall be allowed.

''(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of qualified vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after the date of the enactment of this section is at least 80,000.

''(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 50 percent for the first 2 calendar quarters of the phaseout period,

''(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

''(C) 0 percent for each calendar quarter thereafter.

''(4) CONTROLLED GROUPS.—

''(A) IN GENERAL.—For purposes of this subsection, all persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single manufacturer.

''(B) INCLUSION OF FOREIGN CORPORATIONS.—For purposes of subparagraph (A), in applying subsections (a) and (b) of section 52 to this section, section 1563 shall be applied without regard to subsection (b)(2)(C) thereof.

''(5) QUALIFIED VEHICLE.—For purposes of this subsection, the term 'qualified vehicle' means any new qualified hybrid motor vehicle and any new advanced lean burn technology motor vehicle.

''(g) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under subpart A and sections 27 and 30 for the taxable year.

''(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given such term by section 30(c)(2).

''(2) OTHER TERMS.—The terms 'automobile', 'passenger automobile', 'light truck', and 'manufacturer' have the meanings given such terms in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(3) 2002 MODEL YEAR CITY FUEL ECONOMY.—

''(A) IN GENERAL.—The 2002 model year city fuel economy with respect to a vehicle shall be determined in accordance with the following tables:

''(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	45.2 mpg
2,000 lbs	39.6 mpg
2,250 lbs	35.2 mpg
2,500 lbs	31.7 mpg
2,750 lbs	28.8 mpg
3,000 lbs	26.4 mpg
3,500 lbs	22.6 mpg
4,000 lbs	19.8 mpg
4,500 lbs	17.6 mpg
5,000 lbs	15.9 mpg
5,500 lbs	14.4 mpg
6,000 lbs	13.2 mpg
6,500 lbs	12.2 mpg
7,000 to 8,500 lbs	11.3 mpg.

''(ii) In the case of a light truck:

"If vehicle inertia weight class is:	**The 2002 model year city fuel economy is:**
1,500 or 1,750 lbs	39.4 mpg
2,000 lbs	35.2 mpg
2,250 lbs	31.8 mpg
2,500 lbs	29.0 mpg
2,750 lbs	26.8 mpg
3,000 lbs	24.9 mpg
3,500 lbs	21.8 mpg
4,000 lbs	19.4 mpg
4,500 lbs	17.6 mpg
5,000 lbs	16.1 mpg
5,500 lbs	14.8 mpg
6,000 lbs	13.7 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.1 mpg.

''(B) VEHICLE INERTIA WEIGHT CLASS.—For purposes of subparagraph (A), the term 'vehicle inertia weight class' has the same meaning as when defined in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

''(4) FUEL ECONOMY.—Fuel economy with respect to any vehicle shall be measured under rules similar to the rules under section 4064(c).

''(5) REDUCTION IN BASIS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this paragraph) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(6) NO DOUBLE BENEFIT.—The amount of any deduction or credit allowable under this chapter (other than the credits allowable under this section and section 30) shall be reduced by the amount of credit allowed under subsection (a) for such vehicle for the taxable year.

''(7) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit (including recapture in the case of a lease period of less than the economic life of a vehicle).

''(8) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

''(9) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

''(10) BUSINESS CARRYOVERS ALLOWED.—If the credit allowable under subsection (a) for a taxable year exceeds the limitation under subsection (g) for such taxable year, such excess (to the extent of the credit allowable with respect to property subject to the allowance for depreciation) shall be allowed as a credit carryback and carryforward under rules similar to the rules of section 39.

''(11) INTERACTION WITH MOTOR VEHICLE SAFETY STANDARDS.—Unless otherwise provided in this section, a motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.

''(i) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall promulgate such regulations as necessary to carry out the provisions of this section.

''(2) DETERMINATION OF MOTOR VEHICLE ELIGIBILITY.—The Secretary, after coordination with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall prescribe such regulations as necessary to determine whether a motor vehicle meets the requirements to be eligible for a credit under this section.

''(j) TERMINATION.—This section shall not apply to any property placed in service after—

''(1) in the case of a new qualified alternative fuel motor vehicle, December 31, 2006,

''(2) in the case of a new advanced lean burn technology motor vehicle or a new qualified hybrid motor vehicle, December 31, 2008, and

''(3) in the case of a new qualified fuel cell motor vehicle, December 31, 2012.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 30(d) (relating to special rules) is amended by adding at the end the following new paragraphs:

''(5) NO DOUBLE BENEFIT.—No credit shall be allowed under this section for any motor vehicle for which a credit is also allowed under section 30B.''.

(2) Section 1016(a) is amended by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting '', and'', and by adding at the end the following:

''(29) to the extent provided in section 30B(h)(5).''.

(3) Section 6501(m) is amended by inserting ''30B(h)(9),'' after ''30(d)(4),''.

(4) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following:

''Sec. 30B. Alternative motor vehicle credit.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act, in taxable years ending after such date.

(d) STICKER INFORMATION REQUIRED AT RETAIL SALE.—

(1) IN GENERAL.—The Secretary of the Treasury shall issue regulations under which each qualified vehicle sold at retail shall display a notice—

(A) that such vehicle is a qualified vehicle, and

(B) that the buyer may not benefit from the credit allowed under section 30B of the Internal Revenue Code of 1986 if such buyer has insufficient tax liability.

(2) QUALIFIED VEHICLE.—For purposes of paragraph (1), the term ''qualified vehicle'' means a vehicle with respect to which a credit is allowed under section 30B of the Internal Revenue Code of 1986.

SEC. 4. SMALL ETHANOL PRODUCER CREDIT.

(a) ALLOCATION OF ALCOHOL FUELS CREDIT TO PATRONS OF A COOPERATIVE.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by adding at the end the following new paragraph:

''(6) ALLOCATION OF SMALL ETHANOL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—

''(A) ELECTION TO ALLOCATE.—

''(i) IN GENERAL.—In the case of a cooperative organization described in section 1381(a), any portion of the credit determined under subsection (a)(3) for the taxable year may, at the election of the organization, be apportioned pro rata among patrons of the organization on the basis of the quantity or value of business done with or for such patrons for the taxable year.

''(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Such election, once made, shall be irrevocable for such taxable year.

''(B) TREATMENT OF ORGANIZATIONS AND PATRONS.—The amount of the credit apportioned to patrons under subparagraph (A)—

''(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

''(ii) shall be included in the amount determined under subsection (a) for the taxable year of each patron for which the patronage dividends for the taxable year described in subparagraph (A) are included in gross income.

''(C) SPECIAL RULE.—If the amount of a credit which has been apportioned to any patron under this paragraph is decreased for any reason—

''(i) such amount shall not increase the tax imposed on such patron, and

''(ii) the tax imposed by this chapter on such organization shall be increased by such amount.

The increase under clause (ii) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) DEFINITION OF SMALL ETHANOL PRODUCER.—Section 40(g) (relating to definitions and special rules for eligible small ethanol producer credit) is amended by striking ''30,000,000'' each place it appears and inserting ''60,000,000''.

(c) CONFORMING AMENDMENT.—Section 1388 (relating to definitions and special rules for cooperative organizations) is amended by adding at the end the following new subsection:

''(k) CROSS REFERENCE.—

''For provisions relating to the apportionment of the alcohol fuels credit between cooperative organizations and their patrons, see section 40(g)(6).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 5. INCENTIVES FOR BIODIESEL.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by inserting after section 40 the following new section:

''SEC. 40A. BIODIESEL USED AS FUEL.

''(a) GENERAL RULE.—For purposes of section 38, the biodiesel fuels credit determined under this section for the taxable year is an amount equal to the sum of—

''(1) the biodiesel mixture credit, plus

''(2) the biodiesel credit.

''(b) DEFINITION OF BIODIESEL MIXTURE CREDIT AND BIODIESEL CREDIT.—For purposes of this section—

''(1) BIODIESEL MIXTURE CREDIT.—

''(A) IN GENERAL.—The biodiesel mixture credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel used by the taxpayer in the production of a qualified biodiesel mixture.

''(B) QUALIFIED BIODIESEL MIXTURE.—The term 'qualified biodiesel mixture' means a mixture of biodiesel and a taxable fuel (within the meaning of section 4083(a)(1)) which—

''(i) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

''(ii) is used as a fuel by the taxpayer producing such mixture.

''(C) SALE OR USE MUST BE IN TRADE OR BUSINESS, ETC.—Biodiesel used in the production of a qualified biodiesel mixture shall be taken into account—

''(i) only if the sale or use described in subparagraph (B) is in a trade or business of the taxpayer, and

''(ii) for the taxable year in which such sale or use occurs.

''(D) CASUAL OFF-FARM PRODUCTION NOT ELIGIBLE.—No credit shall be allowed under this section with respect to any casual off-farm production of a qualified biodiesel mixture.

''(2) BIODIESEL CREDIT.—

''(A) IN GENERAL.—The biodiesel credit of any taxpayer for any taxable year is 50 cents for each gallon of biodiesel which is not in a mixture and which during the taxable year—

''(i) is used by the taxpayer as a fuel in a trade or business, or

''(ii) is sold by the taxpayer at retail to a person and placed in the fuel tank of such person's vehicle.

''(B) USER CREDIT NOT TO APPLY TO BIODIESEL SOLD AT RETAIL.—No credit shall be allowed under subparagraph (A)(i) with respect to any biodiesel which was sold in a retail sale described in subparagraph (A)(ii).

''(3) CREDIT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, paragraphs (1)(A) and (2)(A) shall be applied by substituting '$1.00' for '50 cents'.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(c) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any biodiesel shall be properly reduced to take into account any benefit provided with respect to such biodiesel solely by reason of the application of section 6426.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BIODIESEL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter which meet—

''(A) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), and

''(B) the requirements of the American Society of Testing and Materials D6751.

''(2) AGRI-BIODIESEL.—The term 'agri-biodiesel' means biodiesel derived solely from virgin oils, including esters derived from virgin vegetable oils from corn, soybeans, sunflower seeds, cottonseeds, canola, crambe, rapeseeds, safflowers, flaxseeds, rice bran, and mustard seeds, and from animal fats.

''(3) MIXTURE OR BIODIESEL NOT USED AS A FUEL, ETC.—

''(A) MIXTURES.—If—

''(i) any credit was determined under this section with respect to biodiesel used in the production of any qualified biodiesel mixture, and

''(ii) any person—

''(I) separates the biodiesel from the mixture, or

''(II) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(1)(A) and the number of gallons of such biodiesel in such mixture.

''(B) BIODIESEL.—If—

''(i) any credit was determined under this section with respect to the retail sale of any biodiesel, and

''(ii) any person mixes such biodiesel or uses such biodiesel other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the rate applicable under subsection (b)(2)(A) and the number of gallons of such biodiesel.

''(C) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under subparagraph (A) or (B) as if such tax were imposed by section 4081 and not by this chapter.

''(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.

''(e) TERMINATION.—This section shall not apply to any sale or use after December 31, 2005.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to current year business credit) is amended by striking ''plus'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting '', plus'', and by adding at the end the following new paragraph:

''(18) the biodiesel fuels credit determined under section 40A(a).''.

(c) CONFORMING AMENDMENTS.—

(1)(A) Section 87 is amended to read as follows:

''SEC. 87. ALCOHOL AND BIODIESEL FUELS CREDITS.

''Gross income includes—

''(1) the amount of the alcohol fuels credit determined with respect to the taxpayer for the taxable year under section 40(a), and

''(2) the biodiesel fuels credit determined with respect to the taxpayer for the taxable year under section 40A(a).''.

(B) The item relating to section 87 in the table of sections for part II of subchapter B of chapter 1 is amended by striking ''fuel credit'' and inserting ''and biodiesel fuels credits''.

(2) Section 196(c) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting '', and'', and by adding at the end the following new paragraph:

''(11) the biodiesel fuels credit determined under section 40A(a).''.

(3) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 40 the following new item:

''Sec. 40A. Biodiesel used as fuel.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced, and sold or used, after December 31, 2003, in taxable years ending after such date.

SEC. 6. ALCOHOL FUEL AND BIODIESEL MIXTURES EXCISE TAX CREDIT.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application) is amended by inserting after section 6425 the following new section:

''SEC. 6426. CREDIT FOR ALCOHOL FUEL AND BIODIESEL MIXTURES.

''(a) ALLOWANCE OF CREDITS.—There shall be allowed as a credit against the tax imposed by section 4081 an amount equal to the sum of—

''(1) the alcohol fuel mixture credit, plus

''(2) the biodiesel mixture credit.

''(b) ALCOHOL FUEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the alcohol fuel mixture credit is the product of the applicable amount and the number of gallons of alcohol used by the taxpayer in producing any alcohol fuel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 52 cents (51 cents in the case of any sale or use after 2004).

''(B) MIXTURES NOT CONTAINING ETHANOL.—In the case of an alcohol fuel mixture in which none of the alcohol consists of ethanol, the applicable amount is 60 cents.

''(3) ALCOHOL FUEL MIXTURE.—For purposes of this subsection, the term 'alcohol fuel mixture' means a mixture of alcohol and a taxable fuel which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) OTHER DEFINITIONS.—For purposes of this subsection—

''(A) ALCOHOL.—The term 'alcohol' includes methanol and ethanol but does not include—

''(i) alcohol produced from petroleum, natural gas, or coal (including peat), or

''(ii) alcohol with a proof of less than 190 (determined without regard to any added denaturants).

Such term also includes an alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from such alcohol.

''(B) TAXABLE FUEL.—The term 'taxable fuel' has the meaning given such term by section 4083(a)(1).

''(5) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2010.

''(c) BIODIESEL MIXTURE CREDIT.—

''(1) IN GENERAL.—For purposes of this section, the biodiesel mixture credit is the product of the applicable amount and the number of gallons of biodiesel used by the taxpayer in producing any biodiesel mixture for sale or use in a trade or business of the taxpayer.

''(2) APPLICABLE AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the applicable amount is 50 cents.

''(B) AMOUNT FOR AGRI-BIODIESEL.—In the case of any biodiesel which is agri-biodiesel, the applicable amount is $1.00.

''(3) BIODIESEL MIXTURE.—For purposes of this section, the term 'biodiesel mixture' means a mixture of biodiesel and a taxable fuel which—

''(A) is sold by the taxpayer producing such mixture to any person for use as a fuel,

''(B) is used as a fuel by the taxpayer producing such mixture, or

''(C) is removed from the refinery by a person producing such mixture.

''(4) CERTIFICATION FOR BIODIESEL.—No credit shall be allowed under this section unless the taxpayer obtains a certification (in such form and manner as prescribed by the Secretary) from the producer of the biodiesel which identifies the product produced and the percentage of biodiesel and agri-biodiesel in the product.

''(5) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40A shall have the meaning given such term by section 40A.

''(6) TERMINATION.—This subsection shall not apply to any sale, use, or removal for any period after December 31, 2005.

''(d) MIXTURE NOT USED AS A FUEL, ETC.—

''(1) IMPOSITION OF TAX.—If—

''(A) any credit was determined under this section with respect to alcohol or biodiesel used in the production of any alcohol fuel mixture or biodiesel mixture, respectively, and

''(B) any person—

''(i) separates the alcohol or biodiesel from the mixture, or

''(ii) without separation, uses the mixture other than as a fuel,

then there is hereby imposed on such person a tax equal to the product of the applicable amount and the number of gallons of such alcohol or biodiesel.

''(2) APPLICABLE LAWS.—All provisions of law, including penalties, shall, insofar as applicable and not inconsistent with this section, apply in respect of any tax imposed under paragraph (1) as if such tax were imposed by section 4081 and not by this section.

''(e) COORDINATION WITH EXEMPTION FROM EXCISE TAX.—Rules similar to the rules under section 40(c) shall apply for purposes of this section.''.

(b) REGISTRATION REQUIREMENT.—Section 4101(a) (relating to registration) is amended by inserting ''and every person producing biodiesel (as defined in section 40A(d)(1)) or alcohol (as defined in section 6426(b)(4)(A))'' after ''4091''.

(c) ADDITIONAL AMENDMENTS.—

(1) Section 40(c) is amended by striking ''or section 4091(c)'' and inserting ''section 4091(c), or section 6426''.

(2) Section 40(e)(1) is amended—

(A) by striking ''2007'' in subparagraph (A) and inserting ''2010'', and

(B) by striking ''2008'' in subparagraph (B) and inserting ''2011''.

(3) Section 40(h) is amended—

(A) by striking ''2007'' in paragraph (1) and inserting ''2010'', and

(B) by striking '', 2006, or 2007'' in the table contained in paragraph (2) and inserting ''through 2010''.

(4)(A) Subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new section:

''SEC. 4104. INFORMATION REPORTING FOR PERSONS CLAIMING CERTAIN TAX BENEFITS.

''(a) IN GENERAL.—The Secretary shall require any person claiming tax benefits under the provisions of section 34, 40, 40A, 4041(b)(2), 4041(k), 4081(c), 6426, or 6427(f) to file a quarterly return (in such manner as the Secretary may prescribe) providing such information relating to such benefits and the coordination of such benefits as the Secretary may require to ensure the proper administration and use of such benefits.

''(b) ENFORCEMENT.—With respect to any person described in subsection (a) and subject to registration requirements under this title, rules similar to rules of section 4222(c) shall apply with respect to any requirement under this section.''.

(B) The table of sections for subpart C of part III of subchapter A of chapter 32 is amended by adding at the end the following new item:

''Sec. 4104. Information reporting for persons claiming certain tax benefits.''.

(5) Section 6427(i)(3) is amended—

(A) by adding at the end of subparagraph (A) the following new flush sentence:

''In the case of an electronic claim, this subparagraph shall be applied without regard to clause (i).'', and

(B) by striking ''20 days of the date of the filing of such claim'' in subparagraph (B) and inserting ''45 days of the date of the filing of such claim (20 days in the case of an electronic claim)''.

(6) Section 9503(b)(1) is amended by adding at the end the following new flush sentence:

''For purposes of this paragraph, taxes received under sections 4041 and 4081 shall be determined without reduction for credits under section 6426.''.

(d) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6425 the following new item:

''Sec. 6426. Credit for alcohol fuel and biodiesel mixtures.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to fuel sold, used, or removed after December 31, 2003.

(2) SUBSECTION (c)(4).—The amendments made by subsection (c)(4) shall take effect on January 1, 2004.

(3) SUBSECTION (c)(5).—The amendments made by subsection (c)(5) shall apply to claims filed after December 31, 2004.

(f) FORMAT FOR FILING.—The Secretary of the Treasury shall prescribe the electronic format for filing claims described in section 6427(i)(3)(B) of the Internal Revenue Code of 1986 (as amended by subsection (c)(5)(A)) not later than December 31, 2004.

SEC. 7. NONAPPLICATION OF EXPORT EXEMPTION TO DELIVERY OF FUEL TO MOTOR VEHICLES REMOVED FROM UNITED STATES.

(a) IN GENERAL.—Section 4221(d)(2) (defining export) is amended by adding at the end the following new sentence: ''Such term does not include the delivery of a taxable fuel (as defined in section 4083(a)(1)) into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 4041(g) (relating to other exemptions) is amended by adding at the end the following new sentence: ''Paragraph (3) shall not apply to the sale for delivery of a liquid into a fuel tank of a motor vehicle which is shipped or driven out of the United States.''.

(2) Clause (iv) of section 4081(a)(1)(A) (relating to tax on removal, entry, or sale) is amended by inserting ''or at a duty-free sales enterprise (as defined in section 555(b)(8) of the Tariff Act of 1930)'' after ''section 4101''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or deliveries made after the date of the enactment of this Act.

By Mr. ALLEN:

S. 2918. A bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, or a section 403(b) contract shall not be includible in gross income to the extent used to pay long-term care insurance premiums; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to bring the Senate's attention to a bill I introduced today, the Long-Term Care Act of 2004.

Baby boomers will begin to turn 65 years old in 2010 and by 2030, all 77 million baby boomers will have reached retirement age and the over 65 population will have doubled. The practicality of these conditions will require the Federal Government and most State governments to spend more money on health care. Presently, Federal and State governments are spending billions of dollars to ensure the health and well being of our fellow citizens.

In one sector of the health care arena where costs are dramatically rising is in the area of long-term care. In 2000, spending on long-term care was estimated at $123.1 billion and it is expected to triple to $346.1 billion by 2040. Currently, 70 percent of long-term care costs are spent on nursing home care. The average cost of nursing home care is $178 per day or $60,000 per year. That is a significant burden on Federal and State governments as well as the thousands of individuals who pay for that care out of pocket.

In addition, almost 75 percent of nursing home care is publicly funded. Medicaid spends about 58.7 percent on long-term care while Medicare spends 14.7 percent. According to the Council for Affordable Health Insurance, by the year 2030, Medicaid's nursing home expenditures are expected to reach $130 billion a year.

If more people purchased private long-term care insurance, we could reduce Medicaid's future institutional-care expenses by more than $40 billion each year, while giving those who are insured alternatives to nursing homes: including home care, adult day care, foster care and assisted living. Congress has taken steps to give individuals more power to pay for their health care services such as long-term care. One such outstanding measure was the creation of Health Savings Accounts (HSAs).

Last year, I was pleased to support the passage of the Medicare Modernization Act. This landmark legislation

created Health Savings Accounts, which are a new way that people can pay for unreimbursed medical expenses such as deductibles, co-payments, and services not covered by insurance like long-term care. Eligible individuals can establish and fund these accounts when they have a qualifying high deductible health plan and no other health plan, with some exceptions. The beauty of these plans is that they have tax advantages such as deductible contributions; tax-exempt withdrawals if the individual uses the money for medical expenses; and tax-exempt account earnings.

I am confident that with the creation of Health Savings Accounts, individuals and families will be encouraged to set money aside for their health care expenses and give individuals the means to pay for health care services of their own choosing, without being constrained by insurers or employers. Unfortunately, Health Savings Accounts are relatively new and most individuals will not have the built up funds in their HSA to pay for a number of costly health care expenses such as long-term care insurance and that is why we need to provide other options to help pay for this important investment.

Currently, thousands of Virginians and millions of Americans are saving in their retirement plans to have a comfortable life once they become seniors, be it IRA, 401(k), and 403(b) accounts. These savings plans help prepare individuals for their future retirement or any unforeseen circumstance that may arise. Indeed, over 43 million Americans own IRAs with total savings of $2.5 trillion, while more than 47 million Americans have 401(k) accounts with $1.8 trillion saved. In addition, 6.4 million Americans have 403(b) accounts, amounting to over $590 billion saved.

These are untapped funds that individuals should be allowed to use to help pay for their future health care needs. Current tax law and some retirement plans allow individuals, in extreme circumstances, to withdraw funds from their retirement accounts, but more often than not, a 10 percent excise tax applies for early withdrawal. In my opinion, that tax precludes the ability or desirability of individuals to provide for their and their families well-being and that is why I have introduced legislation to provide a new health care option to help address this unfortunate circumstance.

My legislation, the Long-Term Care Act of 2004 will allow individuals to use their IRAs, 401(k), and 403(b) plans to purchase long-term care insurance with pretax dollars at any age and without early withdrawal penalty. Under the Long-Term Care Act, the consumer has the option to purchase long-term care insurance at the most appropriate amounts for their own needs and their spouses.

Today, only six percent of Americans own a long-term care policy. One of the reasons behind this dismally low figure is that individuals wait too long to purchase long-term care insurance. In fact, purchasing long-term care insurance at age 65 is about twice expensive as purchasing it age 55. That is why we must encourage individuals to plan for their future health care needs and purchase long-term care insurance at an early age. By purchasing long-term care insurance at a younger age, individuals will be saving money in the long run and not depleting their life savings.

Our country is heading towards a demographic melt down on long-term care costs. It is simply unsustainable for individuals and the government to maintain the current rate of spending without further endangering the state of health care in the United States.

Preparing for future costs of health care is something that every American should be doing. Long-term care insurance is one way for Americans to plan for periods of extended disability without burdening their families, going bankrupt or relying on government assistance.

Every American should be preparing for future health care costs and it is important that we encourage people to take responsibility today for those costs, be it with the purchase of long-term care insurance or investment in a Health Savings Account. If Virginians and Americans fail to act, it will result in an increased and unsustainable financial burden on the Federal Government and taxpayers.

My legislation, the Long-Term Care Act of 2004, is a commonsense approach that will encourage individuals to plan for their future health care needs and help make long-term care insurance more affordable. While this may not be the solution for some people, it is another option for the millions of Virginians and Americans to help provide for their health and well-being or the health and well-being of loved ones. I look forward to the Senate's action on this legislation early on in the 109th Congress because it not only encourages Americans to plan for their future health needs but will also help sustain the viability of our Nation's health care system.

By Mr. BAUCUS (for himself and Mr. DASCHLE):

S. 2919. A bill to amend the Internal Revenue Code of 1986 to provide funding for Indian tribal prison facilities, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I rise today to talk about a crisis occurring today in Indian country—and offer a solution. This crisis is not something new. It has been decades in the making. For too long we have neglected to adequately address this issue. This crisis is the condition of Indian jails.

We held a hearing on the Finance Committee this fall to bring attention to the problem. We heard testimony from the Inspector General of the Interior Department, Mr. Earl Devaney. He issued a report that was absolutely shocking. Mr. Devaney said the conditions of Indian jails are comparable to conditions found in third-world countries. He said the jails are a natural disgrace.

There are over seventy Indian jails in America. Almost all of them suffer from the same problems. They are highly understaffed and overpopulated. There are extremely high rates of suicides and escapes. Officers are undertrained or not trained at all. Many of these jails don't even have locking doors. We are talking about jails used to detain criminals and they don't have locking doors. These conditions are unacceptable. They must be fixed. It is our duty to address this problem.

In my home State of Montana, we have eleven Indian jails. They are staffed with hardworking, good people. But they are not miracle workers. They cannot be faulted for the deplorable condition of their jails. Let me give you are example.

On one day in June of 2002, nine of the eleven Montana Indian jails were overpopulated. The Crow Indian jail was 429 percent overcapacity. At the Blackfeet Indian jail, every single detention officer was assaulted last year.

One major reason these jails are in such poor condition is they are terribly underfunded. Tribal officers don't have the money to address the problems. Their hands are tied. We can do something about this. We must provide adequate funding for Indian jails.

Today I offer a proposal to the Senate to give tribes the authority to issue tax credit bonds for the construction, maintenance, and operation of their detention facilities. These bonds give off tax credits rather than interest to their investors, allowing tribes with little resources to earn interest off the proceeds. The bonds will provide a steady stream of income to the Tribal governments.

The legislation will provide money that is so desperately needed to address the problems facing Indian jails. I urge my colleagues to support this legislation. I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 2919

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

SECTION 1. CREDIT TO HOLDERS OF INDIAN TRIBAL PRISON FACILITY BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart H—Nonrefundable Credit for Holders of Indian Tribal Prison Facility Bonds

''Sec. 54. Credit to holders of Indian tribal prison facility bonds.

"SEC. 54. CREDIT TO HOLDERS OF INDIAN TRIBAL PRISON FACILITY BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds an Indian tribal prison

facility bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any Indian tribal prison facility bond is the amount equal to the product of—

''(A) the credit rate determined by the Secretary under paragraph (2) for the month in which such bond was issued, multiplied by

''(B) the face amount of the bond held by the taxpayer on the credit allowance date.

''(2) DETERMINATION.—During each calendar month, the Secretary shall determine a credit rate which shall apply to bonds issued during the following calendar month. The credit rate for any month is the percentage which the Secretary estimates will permit the issuance of Indian tribal prison facility bonds without discount and without interest cost to the issuer.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than this subpart and subpart C).

''(d) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(e) INDIAN TRIBAL PRISON FACILITY BOND.—For purposes of this part, the term 'Indian tribal prison facility bond' means any bond issued as part of an issue if—

''(1) 95 percent or more of the proceeds of such issue are to be invested in investment grade obligations and the proceeds from such investment are used for the construction, acquisition, rehabilitation, expansion, or operating expanses of a qualified Indian tribal prison facility,

''(2) the bond is issued by the Indian tribe within the jurisdiction of which such facility is located,

''(3) the bond is issued pursuant to a plan developed by the Indian tribe,

''(4) the issuer designates such bond for purposes of this section,

''(5) the term of each bond which is part of such issue does not exceed 10 years, and

''(6) no amount of proceeds of such issue (including proceeds from any investment under paragraph (1)) may be used to pay the costs of issuance to the extent such amount exceeds 2 percent of the sale proceeds of such issue.

''(f) QUALIFIED INDIAN TRIBAL PRISON FACILITY.—For purposes of this section, the term 'qualified Indian tribal prison facility' means any residential correctional or detention facility located on the qualified Indian land of the issuing Indian tribe substantially all of the inmates of which are adult or juvenile members of such Indian tribe.

''(g) LIMITATION ON AMOUNT OF BONDS DESIGNATED; ALLOCATION OF BONDS.—

''(1) NATIONAL LIMITATION.—There is an Indian tribal prison facility bond limitation for each calendar year. Such limitation is—

''(A) $200,000,000 for 2005,

''(B) $200,000,000 for 2006,

''(C) $200,000,000 for 2007, and

''(D) except as provided in paragraph (3), zero thereafter.

''(2) ALLOCATION OF BONDS.—

''(A) IN GENERAL.—The Secretary, after consultation with the Secretary of the Interior, shall allocate the Indian tribal prison facility bond limitation among those Indian tribes which submit a plan which contains a description of the proposed use of investment proceeds, assurances that such proceeds will be used only for such use, a proposed expenditure schedule, information relevant to the criteria described in subparagraph (B), and any other information determined appropriate by the Secretary.

''(B) APPROVAL CRITERIA.—In allocating the limitation among plan requests of Indian tribes under subparagraph (A), the Secretary shall consider—

''(i) the percentage of prison overcrowding in excess of the facility occupancy level as determined by the Bureau of Indian Affairs,

''(ii) the condition of existing facilities,

''(iii) the health and safety of both inmates and prison employees,

''(iv) the type of offenders incarcerated, and

''(v) other financial resources available to the Indian tribe.

''(3) CARRYOVER OF UNUSED ISSUANCE LIMITATION.—If for any calendar year the limitation amount imposed by paragraph (1) exceeds the amount of Indian tribal prison facility bonds issued during such year, such excess shall be carried forward to one or more succeeding calendar years as an addition to the limitation imposed by paragraph (1) and until used by issuance of such bonds.

''(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means, with respect to any issue, the last day of the 1-year period beginning on the date of the issuance of such issue and the last day of each successive 1-year period thereafter.

''(2) BOND.—The term 'bond' includes any obligation.

''(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term by section 7871(c)(3)(E)(ii).

''(4) QUALIFIED INDIAN LANDS.—The term 'qualified Indian lands' has the meaning given such term by section 7871(c)(3)(E)(i).

''(5) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—In the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under subsection (a).

''(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Indian tribal prison facility bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(7) REPORTING.—Each Indian tribe with an allocation of Indian tribal prison facility bonds under an approved plan shall submit reports similar to the reports required under section 149(e).''.

(b) CONFORMING AMENDMENTS.—

(1) REPORTING.—Subsection (d) of section 6049 of the Internal Revenue Code of 1986 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(8) REPORTING OF CREDIT ON INDIAN TRIBAL PRISON FACILITY BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54(d) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54(h)(1)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(2) TREATMENT FOR ESTIMATED TAX PURPOSES.—

(A) INDIVIDUAL.—Section 6654 of such Code (relating to failure by individual to pay estimated income tax) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) SPECIAL RULE FOR HOLDERS OF INDIAN TRIBAL PRISON FACILITY BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding an Indian tribal prison facility bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(B) CORPORATE.—Subsection (g) of section 6655 of such Code (relating to failure by corporation to pay estimated income tax) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR HOLDERS OF INDIAN TRIBAL PRISON FACILITY BONDS.—For purposes of this section, the credit allowed by section 54 to a taxpayer by reason of holding an Indian tribal prison facility bond on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of subparts for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Subpart H. Nonrefundable Credit for Holders of Indian Tribal Prison Facility Bonds.''.

(2) Section 6401(b)(1) of such Code is amended by striking ''and G'' and inserting ''G, and H''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2004.

Mr. DASCHLE. Mr. President, today I am pleased to join Senator MAX BAUCUS in introducing legislation that addresses the longstanding problem of dilapidated tribal detention facilities on Indian reservations. There is a tremendous need for replacement construction of Bureau of Indian Affairs (BIA) operated and funded facilities, and I am pleased that this legislation offers a creative and innovative bonding approach to address the construction backlog.

USA Today reported that Federal investigators have uncovered evidence of abuse, neglect and inhumane conditions in Native American prisons and jails. This troubling report suggests that the conditions in Indian detention facilities are not improving and, in fact, appear to be getting worse. It is my hope that this hearing will help shed additional light on these allegations, and lead to solutions to improve conditions in facilities across Indian country.

According to recent statistics from the Department of Justice report on Indian jails and prisons, there are 70 detention facilities in Indian country, supervising approximately 2,100 inmates. Many of these facilities are in

an appalling state of disrepair, and face problems that range from overcrowding and understaffing to sheer neglect and abuse.

According to the most recent statistics from the Department of Justice, over half of all detention facilities in Indian country were operating at 100-percent capacity in 2002, and nineteen were operating at 150-percent or higher capacity. Of those nineteen, three are located in my state of South Dakota: Pine Ridge's Medicine Root Detention Center, operating at 250-percent capacity; Crow Creek's Fort Thompson Jail, operating at 242-percent capacity; and the Pine Ridge Correctional Facility, which is operating at a staggering 400 percent of its capacity.

Inmates in South Dakota's BIA facilities are housed in dilapidated buildings and are forced to endure extraordinarily harsh conditions. Even though the Lower Brule tribal detention facility was condemned by the BIA in 1987, it was still being used to house inmates as recently as two years ago. Because the new facility is still under construction, Lower Brule prisoners are sent 13 miles away, across the Missouri River, to the Crow Creek facility in Fort Thompson. Because there aren't enough BIA officers to transport them back to Lower Brule, detainees released from Crow Creek are often forced to make the return trip to Lower Brule on foot. It is shocking that this is allowed to happen at all, but especially in South Dakota where harsh winters and sub-zero temperatures are routine. Moreover, the Fort Thompson facility is equally understaffed. One person serves as both police dispatcher and detention officer in a facility that houses up to 30 prisoners.

These conditions have a devastating impact on prisoners. Nationally, between July 1, 2001, and June 30, 2002, 282 inmates in tribal jails attempted suicide, up from 169 the previous year. In the last five years, the number of admissions rose 32 percent, and the annual number of attempted suicides more than doubled, from 133 to 282. On Crow Creek, which is located in one of the most impoverished counties in the U.S. and experiences inordinate suicide rates among its general population, several suicides have occurred in the local jail.

Even more troubling, inadequate detention facilities pose a serious threat to the surrounding communities. With a limited number of officers responsible for large inmate populations, the risk of prisoner violence—against both prison staff and, in the event of an escape, local citizens—is much greater. Moreover, the culture of neglect and abuse found in many of our Indian jails is indicative of broader trends within the communities. The Lower Brule jail doubles as a suicide-watch center for troubled teens, since there is nowhere else in the community to take them. Several Emergency Medical Technicians (EMTs) have either resigned, or are on the brink of resigning, due to the stress of the situation. Law enforcement officials are at a loss about how to address this disturbing pattern, and are overwhelmed by the feelings of hopelessness that accompany it.

Clearly, the impact that overcrowding, dilapidated conditions, and neglect are having on inmates in these facilities, as well as local communities, is reaching a critical mass—both in South Dakota and across the Nation—and we must act now to reverse the trend. While addressing the problems that exist in jails and prisons clearly isn't the whole answer, such an approach will meet a critical need in Indian country, and will represent an important step toward increasing public safety and reducing incidences of abuse and neglect.

We can start by increasing funding for BIA facilities. Unfortunately, this Administration has demonstrated a complete unwillingness to give Indian detention facilities the resources they need, and has actually reduced funding for jails and prisons in Indian country. It wasn't always so bad. Under the Clinton Administration, then-Attorney General Janet Reno created the Department of Justice—Department of Interior Indian Law Enforcement initiative with the objective of creating an effective way to address law enforcement, facilities, juvenile justice, and rehabilitation efforts in Indian country. Although funding for these programs, which increased under the Clinton administration and was consistent until the FY2002 appropriations cycle, was not enough to meet all of Indian country's needs, the initiative represented an unprecedented step toward addressing some of these problems.

Unfortunately, the current Administration, while budgeting hundreds of millions of dollars for Federal prison construction, has proposed eliminating the tribal facility program for the second year in a row. While Congress appropriated $35 million per year for construction of BIA detention facilities between 2000 and 2002, we appropriated only $2 million in FY2004. Now, with an even tighter budget to work with, the outlook for this year is especially bleak, and conditions at BIA facilities are likely to get even worse.

For too long, we have neglected our obligations to Native Americans. We are seeing the effects of that neglect in South Dakota. These are once again examples of the abrogration of the trust responsibility by the Federal Government to the tribes and its people.

We need to do a better job of funding Indian detention centers, and we need to do more to address public safety, tribal courts, and rehabilitation efforts. We cannot ask tribes to choose between funding crisis intervention and law enforcement. We cannot force tribes to make the choice between funding education and after school programs for their children, and repairing cracked walls and inoperable surveillance cameras in their jails.

While national rates are the lowest in years, crime on Indian lands continues to rise. Particularly disturbing is the violent nature of this crime; violence against women, juvenile and gang crime, and child abuse remain serious problems. The Bureau of Justice Statistics reports that American Indians experience the highest crime victimization rates in the nation—almost twice the national average.

The law enforcement, public safety, and tribal detention facility issues are of critical importance to Indian country and surrounding communities. If this were happening in any other part of the country, it would be met with public outrage and swift government action. However, in Indian country, it is met with silence and reduced funding. For the safety of our Indian people and the well-being of their communities, we must take action.

I am pleased that on September 21, 2004, the Senate Finance Committee held an oversight hearing on these issues, and that this legislation has emerged as a step in the right direction to address the construction backlog of much-needed facilities in rural, tribal communities.

I support this legislation which authorizes eligible Indian tribes to issue tax-exempt bonds to finance tribal prison facilities, ''tribal prison facility bonds''. I look forward to working with my colleagues to address these important issues and to advance this legislation.

By Mr. CORNYN:

S. 2922. A bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORNYN. Mr. President, I rise today to introduce legislation designed to enhance Federal research on an emerging chronic disease in the U.S. known as pulmonary hypertension. PH is a serious and often fatal condition where the blood pressure in the lungs rises to dangerously high levels. In PH patients, the walls of the arteries that take blood from the right side of the heart to the lungs thicken and constrict. As a result, the right side of the heart has to pump harder to move blood into the lungs, causing it to enlarge and ultimately fail.

PH can occur without a known cause or be secondary to other conditions such as; collagen vascular diseases, i.e., scleroderma and lupus, blood clots, HIV, sickle cell, and liver disease. PH does not discriminate based on race, gender or age. Patients develop symptoms of shortness of breath, fatigue, chest pain, dizziness, and fainting. Unfortunately, these symptoms are frequently misdiagnosed, leaving patients

with the false impression that they have a minor pulmonary or cardiovascular condition. By the time many patients receive an accurate diagnosis, the disease has progressed to a late stage, making it impossible to receive a necessary heart or lung transplant.

With this legislation, I am proud to join the Pulmonary Hypertension Association in the fight against this deadly illness. PHA is the Nation's oldest and largest organization dedicated to finding a cure for PH and improving the quality of life for PH patients and their families. I would particularly like to recognize the contributions of four PHA members from my home State of Texas who have contributed so much to this worthy cause—Leo and Bobbie Fields, and Jack Stibbs and his daughter Emily. Their commitment to improving the quality of life for PH patients and pursuing a cure for this disease is truly inspiring. I would also like to recognize our colleague Congressman KEVIN BRADY for his leadership in introducing the ''PH Research Act'' in the other body.

A few years ago the scientifc community discovered the first gene associated with pulmonary hypertension. This was a landmark discovery in the battle to unravel the mystery surrounding this disease. The ''PH Research Act'' seeks to capitalize on this exciting advancement by establishing ''Centers of Excellence'' on pulmonary hypertension through the National Heart, Lung and Blood Institute at the National Institutes of Health. These Centers would focus on: 1. basic and clinical research into the cause, diagnosis, and treatment of PH: 2. the training of new investigators in PH research; 3. continuing education for health care professionals regarding PH with a focus on early diagnosis and 4. the dissemination of information regarding the disease to the general public.

This is an important bill that has the potential to help tens of thousands of Americans and their families, who are struggling with this devastating disease. I look forward to working with the Health, Education, Labor and Pensions Committee to advance the ''PH Research Act.''

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 2923. A bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, Senator SPECTER and I introduce today the Enhanced Second Chance Act of 2004, which takes direct aim at reducing recidivism rates for our Nation's ex-offenders and improving the transition for these offenders from prison back into the community.

All too often we think about today, but not tomorrow. We look to short-term solutions for long- term problems. We need to have a change in thinking and approach. It's time we face the dire situation of prisoners reentering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing, lack of positive influences, a paucity of basic physical and mental health services, and deficient basic life skills.

The bill we introduce today is about providing a second chance for these ex-offenders, and the children and families that depend on them. It's about strengthening communities and ensuring safe neighborhoods.

Since my 1994 Crime Bill passed, we've had great success in cutting down on crime rates in this country. Under the Community Oriented Policing Services (COPS) program, we've funded over 114,000 officers all across the country. And our crime rate has plummeted. Murder is down 37.8 percent, rape 19.1 percent, and aggravated assaults 28 percent. The overall crime rate sharply declined by 28 percent.

But now, we are seeing some troubling indicators that crime is back on the rise. Murder was up 2.5 percent in 2001, 1 percent in 2002, and 1.3 percent in 2003. Forcible rape is up as is robbery. Car theft is up 10 percent over the last four years.

If we are going to ensure that these latest numbers are only a blip on the continued downward trend of crime rates, as opposed to the beginning of a comeback in crime, we simply have to make strong, concerted, and commonsense efforts now to help ex-prisoners successfully reenter and reintegrate into their communities.

There's a record number of people currently serving time in our country—over two million. This translates into 1 out of every 143 U.S. residents. In its latest statistics on the matter, the Bureau of Justice Statistics found that the Nation's overall prison population increased by over 40,000 from midyear 2002 to midyear 2003, the largest increase in 4 years.

Also vital to realize is that 95 percent of all these millions we lock up will eventually get out. That equals nearly 650,000 being released from Federal or State prisons to communities each year. In a State like Delaware, that's over 4,000 inmates per year. And here's the kicker—a staggering ⅔ of these released state prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years of release. Two out of every three! You're talking about hundreds of thousands of re-offending ex-offenders each year and hundreds of thousands of serious crimes being committed by people who have already served time in jail.

And, unfortunately, it's not too difficult to see why such a huge portion of our released prisoners recommit serious crimes. Up to 60 percent of former inmates are not employed; 15 to 27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison, with some estimates of involvement with drugs or alcohol around the time of the offense as high as 84 percent.

These huge numbers of released prisoners each year and the out-of-control recidivism rates are a recipe for disaster—leading to untold damage, hardship, and death for victims; ruined futures and lost potential for re-offenders; and a huge drain on society at large. One particularly vulnerable group is the children of these offenders. We simply cannot be resigned to allowing generation after generation entering and reentering our prisons. This pernicious cycle must come to an end.

My 1994 Crime Bill recognized these extraordinarily high rates of recidivism as a real problem. My bill, for example, created innovative drug treatment programs for State and Federal inmates to help them kick their habit.

But this is only one piece of the puzzle. I introduced a bill in 2000 that would have built on my 1994 Crime Bill—the ''Offender Reentry and Community Safety Act of 2000'', S. 2908. This bill would have created demonstration reentry programs for Federal, State, and local prisoners. These programs were designed to assist high-risk, high-need offenders who served their prison sentences, but who pose the greatest risk of reoffending upon release because they lack the education, job skills, stable family or living arrangements, and the health services they need to successfully reintegrate into society.

Senator SPECTER has also been a dedicated and tireless leader on crime and public safety issues throughout his career and has, for many years, seen the serious public safety ramifications of high recidivism rates. For example, my colleague from Pennsylvania has been the leader on the effort to ensure that offenders who are being released back into our communities have adequate education and work training to become productive members of our society. I couldn't be more pleased than to join efforts with Senator SPECTER on the Enhanced Second Chance Act of 2004.

While we have made some progress on offender reentry efforts since 1994, much more needs to be done. In the current session of Congress, I am pleased that colleagues of mine—from both sides of Capitol Hill and from both sides of the aisle—are also focusing their attention on this vital issue.

I am proud to have worked with Representatives ROB PORTMAN, DANNY DAVIS, and JOHN CONYERS, just to name a few, in the House or Representatives. In the Senate, a number of my colleagues, in addition to Senator SPECTER, have shown strong interest in offender reentry issues, including Senators BROWNBACK, DEWINE, LEAHY, KENNEDY, LANDRIEU, BINGAMAN, HATCH, GRASSLEY, and SANTORUM.

The Second Chance Act of 2004 was introduced in the House and Senate recently, and I was proud to have worked extensively on that bipartisan, bicameral process. The bill Senator SPECTER and I introduce today builds on those efforts. Like the Second Chance Act, the central component of our bill provides a competitive grant program to promote innovative programs to test out a variety of methods aimed at reducing recidivism rates. Efforts would be focused on post-release housing, education and job training, substance abuse and mental health services, and mentoring programs, just to name a few.

Because the scope of the problem is so large—with 650,000 prisoners being released from state and federal prisons each year—our bill provides more than three times as much funding than the House bill. While the House bill contains $40 million per year for the main grant program, our bill provides $130 million. This isn't being wasteful with our scarce federal resources, it's just an acknowledgment of the scope of the problem we're faced with.

A relatively modest investment in offender reentry efforts compares very well with the alternative, building more and more prisons for these ex-offenders to return to if they are unable to successfully reenter their communities and instead are rearrested and reconvicted of more crimes. We must remember that the average cost of incarcerating each prisoner exceeds $20,000 per year. In Delaware, this translates into over $200 per resident just to pay for jail and prison operating expenses.

In constant 2001 dollars, state prison costs in our country have increased from $11.7 billion per year in 1986 to $29.5 billion in 2001. And even with these kinds of resources being spent, by the end of 2002, 25 States and the Federal prison system reported operating at 100 percent or more of their highest capacity. My own home State of Delaware continues to see a prison system bulging at the seams. We have tried, but simply cannot build our way out of this problem. We need tough—but smart—strategies to stop the revolving door of prisoners being released from prison, only to re-offend and land right back behind bars. We simply can't be penny-wise but pound-foolish.

The Enhanced Second Chance Act of 2004 also requires that Federal departments with a role in offender reentry efforts coordinate and work together; to make sure there aren't duplicative efforts or funding gaps; and to coordinate reentry research. Our bill would raise the profile of this issue within the executive branch and secure the sustained and coordinated federal attention offender reentry efforts deserve.

We also need to examine existing Federal and state reentry barriers—laws, regulations, rules, and practices that make it more difficult for former inmates to successfully reintegrate back into their communities; laws that confine ex-offenders to society's margins, making it even more likely that they will recommit serious crimes and return to prison.

Turning over a new leaf and going from a life of crime to becoming a productive member of society is tough enough. We shouldn't have Federal and State laws on the books that make this even more challenging. That's not to say that we don't want to restrict former drug addicts from working in pharmacies, for example, or to bar sex offenders from working in day care centers. But many communities across the country currently exclude ex-prisoners from virtually every occupation requiring a state license, like chiropractic care, engineering, and real estate. Lifting these senselessly punitive bans would make it easier for ex-offenders to stay out of prison.

Our bill provides for a robust analysis of these Federal and State barriers with recommendations on what next steps we need to take. And these reviews are mandated to take place out in the open under public scrutiny.

The Enhanced Second Chance Act also spurs state-of-the-art research and study on offender reentry issues. We need to know who is most likely to recommit crimes when they are released, to better target our limited resources where they can do the most good. We need to study why some ex-offenders who seem to have the entire deck stacked against them are able to become successful and productive members of our society. We need to know what works and how we can replicate what works for others.

Our bill also provides a whole slew of common-sense proposals in the areas of job training, employment, education, post-release housing, civic rights, substance abuse, and prisoner mentoring—efforts and changes in law that we can do now. Some of these important provisions are included in the House bill, others are in addition to those efforts, but all are common-sense efforts in the art of the possible. Our goal is to do as much as possible right now.

Our Enhanced Second Chance Act is a next, natural step in our campaign against crime. Making a dent in recidivism rates is an enormous undertaking; one that requires action now and continued focus in the future. I commit to vigorously pushing this legislation as well as keeping an eye on what steps we need to take in the future. We need to realize that the problems facing ex-offenders are enormous and require sustained focus. The safety of our neighbors, our children, and our communities depends on it.

I'm proud today to introduce the Enhanced Second Chance Act with Senator SPECTER and ask our colleagues to join with us in this vital effort.

I ask unanimous consent to have the text of our bill printed in the RECORD.

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

S. 2923

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enhanced Second Chance Act of 2004: Community Safety Through Recidivism Prevention'' or the ''Enhanced Second Chance Act of 2004''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 2002, 2,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from incarceration to communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release in excess of 10,000,000 people back into the community.

(3) Nearly ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) In recent years, a number of States and local governments have begun to establish improved systems for reintegrating former prisoners. Under such systems, corrections officials begin to plan for a prisoner's release while the prisoner is incarcerated and provide a transition to needed services in the community.

(5) Faith leaders and parishioners have a long history helping ex-offenders transform their lives. Through prison ministries and outreach in communities, churches and faith-based organizations have pioneered reentry services to prisoners and their families.

(6) Successful reentry protects those who might otherwise be crime victims. It also improves the likelihood that individuals released from prison or juvenile detention facilities can pay fines, fees, restitution, and family support.

(7) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982 to $44,000,000,000 in 1997. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(8) Increased recidivism results in profound collateral consequences, including public health risks, homelessness, unemployment, and disenfranchisement.

(9) The high prevalence of infectious disease, substance abuse, and mental health disorders that has been found in incarcerated populations demands that a recovery model of treatment should be used for handling the more than ⅔ of all offenders with such needs.

(10) One of the most significant costs of prisoner reentry is the impact on children, the weakened ties among family members, and destabilized communities. The long-term generational effects of a social structure in which imprisonment is the norm and law-abiding role models are absent are difficult to measure but undoubtedly exist.

(11) According to the 2001 national data from the Bureau of Justice Statistics, 3,500,000 parents were supervised by the correctional system. Prior to incarceration, 64 percent of female prisoners and 44 percent of male prisoners in State facilities lived with their children.

(12) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(13) Approximately 100,000 juveniles (ages 17 and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(14) Studies have shown that from 15 percent to 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(15) The National Institute of Justice has found that after 1 year of release, up to 60 percent of former inmates are not employed.

(16) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before prison, with some estimates of involvement with drugs or alcohol around the time of the offense as high as 84 percent (BJS Trends in State Parole, 1990–2000).

(17) According to the Bureau of Justice Statistics, 60 to 83 percent of the Nation's correctional population have used drugs at some point in their lives. This is twice the estimated drug use of the total United States population of 40 percent.

(18) Family based treatment programs have proven results for serving the special population of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family based treatment for substance abusing mothers and children found that at 6 months post treatment, 60 percent of the mothers remain alcohol and drug free, and drug related offenses declined from 28 to 7 percent. Additionally, a 2003 evaluation of residential family based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remain stabilized.

(19) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal and 36 percent of State inmates had participated in residential inpatient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(20) According to the National Institute of Literacy, 70 percent of all prisoners function at the 2 lowest literacy levels.

(21) The Bureau of Justice Statistics has found that 27 percent of Federal inmates, 40 percent of State inmates, and 47 percent of local jail inmates have never completed high school or its equivalent. Furthermore, the Bureau of Justice Statistics has found that less educated inmates are more likely to be recidivists. Only 1 in 4 local jails offer basic adult education programs.

(22) In his 2004 State of the Union Address, President Bush correctly stated: ''We know from long experience that if former prisoners can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life.''.

(23) Participation in State correctional education programs lowers the likelihood of reincarceration by 29 percent, according to a recent United States Department of Education study. A Federal Bureau of Prisons study found a 33 percent drop in recidivism among Federal prisoners who participated in vocational and apprenticeship training.

SEC. 3. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) establishing or improving the system or systems under which—

''(A) the correctional agency of the State or local government develops and carries out plans to facilitate the reentry into the community of each offender in State or local custody;

''(B) the supervision and services provided to offenders in State or local custody are coordinated with the supervision and services provided to offenders after reentry into the community;

''(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

''(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison;

''(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails;

''(3) enabling prison mentors of offenders to remain in contact with those offenders, including through the use of such technology as videoconferencing, during incarceration and after reentry into the community and encouraging the involvement of prison mentors in the reentry process;

''(4) providing structured post-release housing and transitional housing, including group homes for recovering substance abusers, through which offenders are provided supervision and services immediately following reentry into the community;

''(5) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

''(6) providing continuity of health services (including mental health services, substance abuse treatment and aftercare, and treatment for contagious diseases) to offenders in custody and after reentry into the community;

''(7) providing offenders with education, job training, English as a second language programs, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison;

''(8) facilitating collaboration among corrections and community corrections, technical schools, community colleges, and the workforce development and employment service sectors to—

''(A) promote, where appropriate, the employment of people released from prison and jail, through efforts such as educating employers about existing financial incentives and facilitate the creation of job opportunities, including transitional jobs, for this population that will benefit communities;

''(B) connect inmates to employment, including supportive employment and employment services, before their release to the community;

''(C) address barriers to employment, including licensing; and

''(D) identify labor market needs to ensure that education and training are appropriate;

''(9) assessing the literacy and educational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including followup assessments and long-term services;

''(10) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community, including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry where appropriate to the safety and well-being of any children involved, and involving family members in the planning and implementation of the reentry process;

''(11) programs under which victims are included, on a voluntary basis, in the reentry process;

''(12) programs that facilitate visitation and maintenance of family relationships with respect to offenders in custody by addressing obstacles such as travel, telephone costs, mail restrictions, and restrictive visitation policies;

''(13) identifying and addressing barriers to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

''(14) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an incarcerated person as part of intake procedures, including the number of children, age, and location or jurisdiction, and connect identified children with appropriate services;

''(15) addressing barriers to the visitation of children with an incarcerated parent, and maintenance of the parent-child relationship, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;

''(16) creating, developing, or enhancing prisoner and family assessments curricula, policies, procedures, or programs (including mentoring programs) to help prisoners with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities, as appropriate (or when it is safe to do so), and become mutually respectful, nonabusive parents or partners, under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with existing victim service providers;

''(17) developing programs and activities that support parent-child relationships, as appropriate to the health and well-being of the child, such as—

''(A) using telephone conferencing to permit incarcerated parents to participate in parent-teacher conferences;

''(B) using videoconferencing to allow virtual visitation when incarcerated persons are more than 100 miles from their families;

''(C) the development of books on tape programs, through which incarcerated parents read a book into a tape to be sent to their children;

''(D) the establishment of family days, which provide for longer visitation hours or family activities; or

''(E) the creation of children's areas in visitation rooms with parent-child activities;

''(18) expanding family based treatment centers that offer family based comprehensive treatment services for parents and their children as a complete family unit;

''(19) conducting studies to determining who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

''(20) developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely;

''(21) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(22) developing and implementing procedures to identify efficiently and effectively those violators of probation or parole who should be returned to prison;

''(23) utilizing validated assessment tools to assess the risk factors of returning inmates and prioritizing services based on risk;

''(24) conducting studies to determine who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

''(25) facilitating and encouraging timely and complete payment of restitution and fines by ex-offenders to victims and the community;

''(26) establishing or expanding the use of reentry courts to—

''(A) monitor offenders returning to the community;

''(B) provide returning offenders with—

''(i) drug and alcohol testing and treatment; and

''(ii) mental and medical health assessment and services;

''(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

''(D) provide and coordinate the delivery of other community services to offenders, including—

''(i) housing assistance;

''(ii) education;

''(iii) employment training;

''(iv) children and family support;

''(v) conflict resolution skills training;

''(vi) family violence intervention programs; and

''(vii) other appropriate social services; and

''(E) establish and implement graduated sanctions and incentives; and

''(27) providing technology and other tools necessary to advance post release supervision.''.

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking ''may be expended for'' and all that follows through the period at the end and inserting ''may be expended for any activity referred to in subsection (b).''.

(c) APPLICATIONS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

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

(2) by striking subsections (d) through (g) and inserting the following:

''(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe desiring a grant under this section shall submit an application to the Attorney General that—

''(1) contains a reentry strategic plan, which describes the long-term strategy, and a detailed implementation schedule, including the jurisdiction's plans to pay for the program after the Federal funding is discontinued;

''(2) identifies the governmental agencies and community and faith-based organizations that will be coordinated by, and collaborate on, the applicant's prisoner reentry strategy and certifies their involvement; and

''(3) describes the methodology and outcome measures that will be used in evaluating the program.

''(e) PRIORITY CONSIDERATION.—The Attorney General shall give priority to grant applications that best—

''(1) focus initiatives on geographic areas with a substantiated high population of ex-offenders;

''(2) include partnerships with community-based organizations, including faith-based organizations;

''(3) provide consultations with crime victims and former incarcerated prisoners and their families;

''(4) review the process by which the State adjudicates violations of parole or supervised release and consider reforms to maximize the use of graduated, community-based sanctions for minor and technical violations of parole or supervised release;

''(5) establish prerelease planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security, and Veterans benefits) upon release is established prior to release, subject to any limitations in law, and to ensure that prisoners are provided with referrals to appropriate social and health services or are linked to appropriate community-based organizations;

''(6) target high-risk offenders for reentry programs through validated assessment tools; and

''(7) provide returning offenders with information on how they can restore their voting rights, and any other civil or civic rights denied to them due to their offender status, under the laws of the State where they are released.

''(f) REQUIREMENTS.—The Attorney General may make a grant to an applicant only if the application—

''(1) reflects explicit support of the chief executive officer of the State or unit of local government, territory, or Indian tribe applying for a grant under this section;

''(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of ex-offenders into their communities;

''(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, and employment services, and local law enforcement;

''(4) in the case of a State grantee, the State provides a plan for the analysis of existing State statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community; in case of a local grantee, the local grantee provides a plan for the analysis of existing local statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community; and in the case of a territorial grantee, the territory provides a plan for the analysis of existing territorial statutory, regulatory, rules-based, and practice-based hurdles to a prisoner's reintegration into the community that—

''(A) takes particular note of laws, regulations, rules, and practices that disqualify former prisoners from obtaining professional licenses or other requirements for certain types of employment, and that hinder full civic participation;

''(B) identifies those laws, regulations, rules, or practices that are not directly connected to the crime committed and the risk that the ex-offender presents to the community; and

''(C) affords members of the public an opportunity to participate in the process described in this subsection; and

''(5) includes the use of a State or local task force to carry out the activities funded under the grant.

''(g) USES OF GRANT FUNDS.—

''(1) FEDERAL SHARE.—The Federal share of a grant received under this section may not exceed 75 percent of the project funded under the grant, unless the Attorney General—

''(A) waives, in whole or in part, the requirement of this paragraph; and

''(B) publicly delineates the rationale for the waiver.

''(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

''(h) REENTRY STRATEGIC PLAN.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5- to 10-year performance outcomes. The plan shall have as a goal to reduce the rate of recidivism of incarcerated persons served with funds from this section within the State by 50 percent over a period of 10 years.

''(2) COORDINATION.—In developing reentry plans under this subsection, applicants shall coordinate with communities and stakeholders, including experts in the fields of public safety, corrections, housing, health, education, employment, and members of community and faith-based organizations that provide reentry services.

''(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the applicant's progress toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

''(i) REENTRY TASK FORCE.—

''(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each State or local government receiving a grant shall establish or empower a Reentry Task Force, or other relevant convening authority, to examine ways to pool existing resources and funding streams to promote lower recidivism rates for returning prisoners, and to minimize the harmful effects of incarceration on families and communities by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations.

''(2) MEMBERSHIP.—The task force or other authority shall be comprised of relevant State or local leaders, agencies, service providers, community-based organizations, and stakeholders.

''(j) STRATEGIC PERFORMANCE OUTCOMES.—

''(1) IN GENERAL.—Each applicant shall identify specific performance outcomes related to the long-term goals of increasing public safety and reducing recidivism.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

''(A) recommitment rates;

''(B) reduction in crime;

''(C) employment and education;

''(D) violations of conditions of supervised release;

''(E) child support;

''(F) housing;

''(G) drug and alcohol abuse; and

''(H) participation in mental health services.

''(3) OPTIONAL MEASURES.—States may also report on other activities that increase the success rates of offenders who transition from prison, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

''(4) COORDINATION.—Applicants should coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicants and with the Department of Justice for assistance with data collection and measurement activities.

''(5) REPORT.—Each grantee shall submit an annual report to the Department of Justice that—

''(A) identifies the grantee's progress toward achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the success rates of the reentry population.

''(k) PERFORMANCE MEASUREMENT.—

''(1) IN GENERAL.—The Department of Justice, in consultation with the States, shall—

''(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

''(B) identify sources and methods of data collection in support of performance measurement required under this section;

''(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

''(D) coordinate with the Substance Abuse and Mental Health Services Administration on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

''(2) COORDINATION.—The Department of Justice shall coordinate with other Federal agencies to identify national sources of information to support State performance measurement.

''(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section for fiscal years after the first receipt of such a grant, a State shall submit to the Attorney General such information as is necessary to demonstrate that—

''(1) the State has adopted a reentry plan that reflects input from community-based and faith-based organizations;

''(2) the public has been afforded an opportunity to provide input in the development of the plan;

''(3) the State's reentry plan includes performance measures to assess the State's progress toward increasing public safety by reducing by 10 percent over the 2-year period the rate at which individuals released from prison who participate in the reentry system supported by Federal funds are recommitted to prison; and

''(4) the State will coordinate with the Department of Justice, community-based and faith-based organizations, and other experts regarding the selection and implementation of the performance measures described in subsection (k).

''(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

''(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

''(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Federal task force established under the Enhanced Second Chance Act of 2004 that represents, provides technical assistance and training to, and has special expertise and broad, national-level experience in offender reentry programs, training, and research.

''(3) USE OF FUNDS.—The organization receiving the grant shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

''(A) provide education, training, and technical assistance for States, local governments, territories, Indian tribes, service providers, faith based organizations, and corrections institutions;

''(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

''(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

''(D) disseminate knowledge to States and other relevant entities about best practices, policy standards, and research findings;

''(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

''(F) develop and implement procedures to identify efficiently and effectively those violators of probation or parole who should be returned to prison and those who should receive other penalties based on defined, graduated sanctions;

''(G) collaborate with the Federal task force established under the Enhanced Second Chance Act of 2004 and the Federal Resource Center for Children of Prisoners;

''(H) develop a national research agenda; and

''(I) bridge the gap between research and practice by translating knowledge from research into practical information.

''(4) Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

''(n) ADMINISTRATION.—Of amounts made available to carry out this section, not more than 2 percent shall be available for administrative expenses in carrying out this section.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended in subsection (o)(1), as redesignated by subsection (c), by striking ''and $16,000,000 for fiscal year 2005'' and inserting ''$130,000,000 for fiscal year 2005, and $130,000,000 for fiscal year 2006''.

SEC. 4. TASK FORCE ON FEDERAL PROGRAMS AND ACTIVITIES RELATING TO REENTRY OF OFFENDERS.

(a) TASK FORCE REQUIRED.—The Attorney General, in consultation with the Secretary of Housing and Urban Development, the Secretary of Labor, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Veterans Affairs, and the heads of such other elements of the Federal Government as the Attorney General considers appropriate, and in collaboration with stakeholders, service providers, community-based organizations, States, territories, Indian tribes, and local governments, shall establish an interagency task force on programs and activities relating to the reentry of offenders into the community.

(b) DUTIES.—The task force established under subsection (a) shall—

(1) identify such programs and activities that may be resulting in overlapping or duplication of services, the scope of such overlapping or duplication, and the relationship of such overlapping and duplication to public safety, public health, and effectiveness and efficiency;

(2) identify methods to improve collaboration and coordination of such programs and activities;

(3) identify areas of responsibility in which improved collaboration and coordination of such programs and activities would result in increased effectiveness or efficiency;

(4) develop innovative interagency or intergovernmental programs, activities, or procedures that would improve outcomes of reentering offenders and children of offenders;

(5) develop methods for increasing regular communication that would increase interagency program effectiveness;

(6) identify areas of research that can be coordinated across agencies with an emphasis on applying science-based practices to support treatment and intervention programs for reentering offenders;

(7) identify funding areas that should be coordinated across agencies and any gaps in funding; and

(8) in conjunction with the National Adult and Juvenile Offender Reentry Resource Center, identify successful programs currently operating and collect best practices in offender reentry from demonstration grantees and other agencies and organizations, determine the extent to which such programs and practices can be replicated, and make information on such programs and practices available to States, localities, community-based organizations, and others.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the task force established under subsection (a) shall submit a report, including recommendations, to Congress on barriers to reentry. The task force shall provide for public input in preparing the report. The report shall identify Federal and other barriers to successful reentry of offenders into the community and analyze the effects of such barriers on offenders and on children and other family members of offenders, including barriers to—

(1) parental incarceration as a consideration for purposes of family reunification under the Adoption and Safe Families Act of 1997;

(2) admissions in and evictions from Federal housing programs;

(3) child support obligations and procedures;

(4) Social Security benefits, veterans benefits, food stamps, and other forms of Federal public assistance;

(5) Medicaid and Medicare procedures, requirements, regulations, and guidelines;

(6) education programs, financial assistance, and full civic participation;

(7) TANF program funding criteria and other welfare benefits;

(8) employment;

(9) laws, regulations, rules, and practices that restrict Federal employment licensure and participation in Federal contracting programs;

(10) reentry procedures, case planning, and the transition of persons from the custody of the Federal Bureau of Prisons to a Federal parole or probation program or community corrections;

(11) laws, regulations, rules, and practices that may require a parolee to return to the same county that the parolee was living in prior to his or her arrest, and the potential for changing such laws, regulations, rules, and practices so that a parolee may change his or her setting upon release, and not settle in the same location with persons who may be a negative influence; and

(12) pre-release planning procedures for prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security, and veteran's benefits) upon release is established prior to release, subject to any limitations under the law, and the provision of referrals to appropriate social and health services or are linked to appropriate community-based organizations.

(d) ANNUAL REPORTS.—On an annual basis, the task force required by subsection (a) shall submit to Congress a report on the activities of the task force, including specific

recommendations of the task force on matters referred to in subsection (b).

SEC. 5. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—From amounts made available to carry out this Act, the National Institute of Justice may conduct research on offender reentry, including—

(1) a study identifying the number and characteristics of children who have had a parent incarcerated and the likelihood of these minors becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including re-arrest, violations of parole and probation, and re-incarceration) among States; and

(3) a study on the population of individuals released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—From amounts made available to carry out this Act, the Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations, including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, and the elderly, that present unique reentry challenges;

(2) studies to determine who is returning to prison or jail and which of those returning prisoners represent the greatest risk to community safety;

(3) annual reports on the profile of the population coming out of prisons, jails, and juvenile justice facilities;

(4) a national recidivism study every 3 years; and

(5) a study of parole violations and revocations.

SEC. 6. CHILDREN OF INCARCERATED PARENTS AND FAMILIES.

(a) INTAKE PROCEDURES AND EDUCATION PROGRAMS.—

(1) PILOT PROGRAM.—The Federal Bureau of Prisons shall, using amounts made available to carry out this subsection, carry out a pilot program to—

(A) collect information regarding the dependent children of an incarcerated person as part of standard intake procedures, including the number, age, and residence of such children;

(B) review all policies, practices, and facilities to ensure that, as appropriate to the health and well-being of the child, they support the relationship between family and child;

(C) identify the training needs of staff with respect to the impact of incarceration on children, families, and communities, age-appropriate interactions, and community resources for the families of incarcerated persons; and

(D) take such steps as are necessary to encourage State correctional agencies to implement the requirements of subparagraphs (A) through (C).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,500,000 for each of fiscal years 2005 and 2006.

(b) DUTIES OF SECRETARY.—The Secretary of Health and Human Services shall—

(1) review, and make available to States a report on any recommendations regarding, the role of State child protective services at the time of the arrest of a person; and

(2) by regulation, establish such services as the Secretary determines necessary, as appropriate to the health and well-being of any child involved, for the preservation of families that have been impacted by the incarceration of a family member.

SEC. 7. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Secretary of Labor shall take such steps as are necessary to implement a program, including but not limited to the Employment and Training Administration, to educate employers about existing incentives, including bonding, to the hiring of former Federal, State, or county prisoners.

SEC. 8. FEDERAL RESOURCE CENTER FOR CHILDREN OF PRISONERS.

There are authorized to be appropriated to the Secretary of Health and Human Services for each of fiscal years 2005 and 2006, such sums as may be necessary for the continuing activities of the Federal Resource Center for Children of Prisoners, including conducting a review of the policies and practices of State and Federal corrections agencies to support parent-child relationships, as appropriate for the health and well-being of the child.

SEC. 9. ELIMINATION OF AGE REQUIREMENT FOR RELATIVE CAREGIVER UNDER NATIONAL FAMILY CAREGIVER SUPPORT PROGRAM.

Section 372 of the National Family Caregiver Support Act (part E of title III of the Older Americans Act of 1965; 42 U.S.C. 3030s) is amended in paragraph (3) by striking ''who is 60 years of age or older and—'' and inserting ''who—''.

SEC. 10. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

Section 3624(c) of title 18, United States Code, is amended to read as follows:

''(c) PRE-RELEASE CUSTODY.—

''(1) IN GENERAL.—The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part of the final portion of the term to be served, not to exceed 1 year, under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for the prisoner's reentry into the community. Such conditions may include a community correctional facility.

''(2) AUTHORITY.—This subsection authorizes the Bureau of Prisons to place a prisoner in home confinement for the last 10 per centum of the term to be served, not to exceed 6 months.

''(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody.

''(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Bureau of Prisons granted under section 3621 of this title.''.

SEC. 11. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) to carry out any activity referred to in subsections (b) and (c) of section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)–(c)).''.

SEC. 12. GRANTS TO STUDY PAROLE OR POST INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may award grants to States to study, and to improve the collection of data with respect to, individuals whose parole or post incarceration supervision is revoked and which such individuals represent the greatest risk to community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post incarceration supervision violations that occur within the State;

(B) the reasons for parole or post incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2005 and 2006.

SEC. 13. REAUTHORIZATION OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS PROGRAM.

(a) IN GENERAL.—The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.) is amended by inserting after section 1905 the following:

''SEC. 1906. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out the purposes of this part for each of fiscal years 2005 through 2010.''.

(b) IMPROVEMENTS TO PROGRAM.—Section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1) is amended—

(1) in subsection (c)—

(A) in the subsection heading, by striking ''ELIGIBILITY FOR PREFERENCE WITH'' and inserting ''REQUIREMENT FOR'';

(B) by striking paragraph (1) and inserting the following:

''(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the evidence-based substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.''; and

(C) by adding at the end the following:

''(4) Aftercare services required under paragraph (1) shall be funded by amounts made available under this part.'';

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting after subsection (b) the following:

''(c) DEFINITION OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT.—The term 'residential substance abuse treatment' means a course of evidence-based individual and group activities and treatment, lasting not less than 6 months, in residential treatment facilities set apart from the general prison population. Such treatment can include the use of pharmacotherapies, where appropriate, that may be administered for more than 6 months.''.

SEC. 14. REAUTHORIZATION OF SUBSTANCE ABUSE TREATMENT PROGRAM UNDER TITLE 18.

Section 3621(e) of title 18, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2005 through 2010.''; and

(2) in paragraph (5), by striking subparagraph (A) and inserting the following:

''(A) the term 'residential substance abuse treatment' means a course of evidence-based individual and group activities and treatment, lasting not less than 6 months, in residential treatment facilities set apart from the general prison population, and such treatment can include the use of pharmacotherapies, where appropriate, that may be administered for more than 6 months;''.

SEC. 15. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS AVAILABLE FOR CORRECTIONS EDUCATION PROGRAMS UNDER THE ADULT EDUCATION AND FAMILY LITERACY ACT.

(a) IN GENERAL.—Section 222(a)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)(1)) is amended by striking '', of which not more than 10 percent'' and inserting ''of which not less than 10 percent''.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on the use of literacy funds to correctional intuitions, as defined in section 225(d)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9224(d)(2)). The report shall specify the amount of literacy funds that are provided to each category of correctional institution in each State, and identify whether funds are being sufficiently allocated among the various types of institutions.

SEC. 16. TECHNICAL AMENDMENT TO DRUG-FREE STUDENT LOANS PROVISION TO ENSURE THAT IT APPLIES ONLY TO OFFENSES COMMITTED WHILE RECEIVING FEDERAL AID.

Section 4840(r)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(r)(1)) is amended by striking ''A student'' and all that follows through ''table:'' and inserting the following: ''A student who is convicted of any offense under any Federal or State law involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this title shall not be eligible to receive any grant, loan, or work assistance under this title from the date of that conviction for the period of time specified in the following table:''.

SEC. 17. MENTORING GRANTS TO COMMUNITY-BASED ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available under this section, the Secretary of Labor shall make grants to community-based organizations for the purpose of providing mentoring and other transitional services essential to reintegrating ex-offenders and incarcerated persons into society.

(b) USE OF FUNDS.—Grant funds awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders; and

(2) transitional services to assist in the reintegration of ex-offenders into the community.

(c) APPLICATION.—To be eligible to receive a grant under this section, a community-based organization shall submit an application to the Secretary of Labor, based upon criteria developed by the Secretary of Labor in consultation with the Attorney General and the Secretary of Housing and Urban Development.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Secretary of Labor may require each applicant to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism and re-integrating ex-offenders and incarcerated persons into society.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2005 and 2006.

SEC. 18. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

Section 1925 of the Public Health Service Act (42 U.S.C. 300x–25) is amended—

(1) in subsection (a)(4), by striking ''$4,000'' and inserting ''$6,000''; and

(2) by adding at the end the following:

''(d) RECOVERY HOME OUTREACH WORKERS.—

''(1) IN GENERAL.—The Secretary shall award a grant to an eligible entity to enable such entity to establish group homes for recovering substance abusers in accordance with this section.

''(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity shall—

''(A) be a national nonprofit organization that has established at least 500 self-administered, self-supported substance abuse recovery homes; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—An entity shall use amounts received under the grant under paragraph (1) to—

''(A) establish group homes for recovering substance abusers that conform to the requirements of subparagraphs (A) through (D) of subsection (a)(6), through activities including—

''(i) locating a suitable facility to use as the group home;

''(ii) the execution of a lease for the use of such home; and

''(iii) obtaining a charter for the operation of such home from a national non-profit organization;

''(B) recruit recovering substance abusers to reside in the group home by working with criminal justice officials and substance abuse treatment providers, including through activities targeting individuals being released from incarceration; and

''(C) carry out other activities related to establishing a group home for recovering substance abusers.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $1,000,000 for each of fiscal years 2005 through 2009. Amounts appropriated under this paragraph shall be in addition to amounts otherwise appropriated to carry out this subpart.''.

SEC. 19. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

(a) GENERAL REENTRY PROCEDURES.—The Department of Justice shall take such steps as are necessary to modify existing procedures and policies to enhance case planning and to improve the transition of persons from the custody of the Bureau of Prisons to the community, including placement of such individuals in community corrections facilities.

(b) PROCEDURES REGARDING BENEFITS.—The Bureau of Prisons shall establish pre-release planning procedures for Federal prisoners to ensure that a prisoner's eligibility for Federal or State benefits (including Medicaid, Medicare, Social Security and veterans benefits) upon release is established prior to release, subject to any limitations in law. The Bureau shall also coordinate with inmates to ensure that inmates have medical appointments scheduled and have plans to secure needed and sufficient medications, particularly with regard to the treatment of mental illness. The Bureau shall provide each ex-offender released from Federal prisons information on how the reentering offender can restore voting rights, and other civil or civic rights, denied to the reentering offender based upon their offender status in the State to which that reentering offender shall be returning. This information shall be provided to each reentering offender in writing, and in a language that the reentering offender can understand.

SEC. 20. FAMILY UNIFICATION IN PUBLIC HOUSING.

Section 576 of the Quality Housing and Work Responsibility Act of 1988 (Public Law 105–276; 42 U.S.C. 13661) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) AUTHORITY TO DENY ADMISSION TO CRIMINAL OFFENDERS.—

''(1) IN GENERAL.—Except as provided in subsections (a) and (b) of this section and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing, as applicable, determines that an applicant or any member of the applicant's household is engaged in or was convicted of, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner, or public housing agency employees, the public housing agency or owner may—

''(A) deny such applicant admission to the program or to federally assisted housing; and

''(B) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

''(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1), to deny admission to the program or federally assisted housing to any household, a public housing agency or an owner shall, prior to an initial denial of eligibility, consider the following factors:

''(A) The effect of denial on the applicant's family, particularly minor children.

''(B) Whether such household member has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable) to the extent that such use would constitute a threat to the health, safety, or well-being of other residents.

''(C) Whether such household member has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable) to the extent that such use would constitute a threat to the health, safety, or well-being of other residents.

''(D) Whether such household member is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable) to the extent that such use would constitute a threat to the health, safety, or well-being of other residents.

''(E) Other mitigating circumstances such as—

''(i) the applicant's involvement in the community;

''(ii) the applicant's enrollment in or completion of a job training program;

''(iii) the employment status of the applicant;

''(iv) any other circumstances which reflect the efforts the applicant has made toward rehabilitation; and

''(v) the availability of other housing options.''; and

(2) by adding at the end the following:

''(d) CONDITIONAL ELIGIBILITY.—A public housing agency or owner of such housing may condition an applicant's or a household's eligibility for federally assisted housing on the participation of the applicant, or a member of the applicant's household, in a supervised rehabilitation program, or other appropriate social services.''.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of legislation which I am sponsoring with the Senator from Delaware, Mr. BIDEN—the Enhanced Second Chance Act of 2004. This year, more than 650,000 inmates will be released from the United States' prisons. Nearly two-thirds of released prisoners are re-arrested for either a felony or a serious misdemeanor within 3 years of release. This ''revolving door'' of criminals endangers our communities. Yet, it should really come as no surprise that an individual who is released and who is illiterate or lacks the necessary skills to get a job returns to a life of crime. The need to address the issue of recidivism to protect the public is apparent and the Enhanced Second Chance Act is designed to address that need and stop the ''revolving door'' at our Nation's correctional facilities. This bill gives criminal offenders a second chance at rehabilitation and gainful employment by creating successful reentry programs focused on education and job training.

There are two categories of individuals that we must focus our concern on in our fight to reduce recidivism—the career criminal and the person who will one day return back to his or her community. As for the career criminal, I wrote the Armed Career Criminal Bill that was adopted in 1984, which provides for life sentences for career criminals. These individuals, who have committed three or more major offenses and caught in possession of a firearm, receive mandatory sentences up to life.

The second category of individuals—individuals who will one day be released—are a special circumstance because this is not about locking them up forever but about making sure they have an opportunity to turn their life around. It is about focusing on literacy and job training in order to reduce recidivism and prevent those individuals from becoming career criminals.

The Enhanced Second Chance Act is aimed at better equipping the community, increasing public safety, and helping States and communities address the growing population of ex-offenders returning to communities. The act authorizes a $130 million a year grant program for State and local governments aimed at creating programs to help reduce recidivism rates and to create procedures to ensure that dangerous felons are not released from prison prematurely. It also calls for either establishing or expanding the use of State reentry courts to monitor ex-offenders returning to the community and to provide them with drug and alcohol treatment as well as necessary mental and medical services.

One of the most significant concerns that our communities face with regards to prisoners is the impact on their children and communities. Between 1991 and 1999, the number of children with a parent in a Federal or State correction facility increased by more than 100 percent from approximately 900,000 to approximately 2 million. This legislation deals with the issues and obstacles that these children face. The Enhanced Second Chance Act of 2004 creates a new program designed to support the relationship between parent and child while the parent is incarcerated and to help with family unification when the parent is released. It also instructs the Secretary of Health and Human Services to re-examine the current programs that are in place to help support the parent-child relationship while the parent is incarcerated and to establish the necessary services to help preserve the family relationship.

Another major concern is incarcerated juveniles. Juveniles have a recidivism rate ranging from 55 to 75 percent. These figures are staggering and that is why I have pushed for so many years for legislation aimed at educating these young offenders prior to their release. I have consistently sponsored legislation that would provide for workplace and community transition training for incarcerated youth offenders while in prison and would provide employment counseling and other services that would continue while the individual was on parole. The Enhanced Second Chance Act of 2004 builds upon my earlier efforts and provides effective reentry and aftercare programs so that these young individuals will have a chance at a successful transition back into the community. This bill encourages State and local governments to assess the literacy and educational needs of incarcerated individuals and to identify appropriate services to meet those needs while they are incarcerated. Moreover, this bill provides for collaboration with community colleges and employment services to connect inmates with employment opportunities before they are released back into the community.

The New York Times recently reported that 5 million people, or roughly 2.3 percent of the electorate, will be barred from voting in November by State laws that strip felons of voting rights. However many ex-felons are in fact eligible to vote but do not do so simply because they are not aware that they have this right. The Enhanced Second Chance Act helps remove the confusion and mandates that prison officials provide each ex-offender released from Federal prison information on how the reentering offender can restore his or her voting rights. Information must be provided to each ex-offender in writing and in a language that he or she can understand. This will allow ex-offenders to feel more connected to their communities and is another important tool in the fight to reduce recidivism.

I am pleased to join the distinguished Senator from Delaware in introducing this important and much-needed legislation. The Enhanced Second Chance Act of 2004 is a very positive step forward in providing realistic rehabilitation to individuals needing a second chance. I wholeheartedly agree with President Bush's statement that ''America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life.'' The President urged us to work in a bipartisan fashion and I believe that this bill is the first step in the right direction.

Mr. BINGAMAN. Mr. President, I rise today, along with Senators BIDEN, SPECTER, and LANDRIEU, to introduce the Enhanced Second Chance Act of 2004.

I believe this is an important bill that will significantly improve public safety by providing $130 million a year for a competitive grant program to State, local, and tribal governments to reduce recidivism rates and improve the transition of offenders back into society. In addition to the adult and juvenile demonstration projects, the bill would create a Federal reentry task force, reauthorize funding for drug treatment programs in State and Federal correctional facilities, establish a program within the Bureau of Prisons to promote family reunification, bring additional literacy funds to correctional institutions, and establish a mentoring grant program for community-based organizations to assist inmates with their reentry back into the community.

We as a society have an interest in ensuring that when prisoners are released that they be reintegrated back into the community in a manner that reduces the likelihood of them committing additional crimes. Providing assistance to these individuals is not a charity, it is a matter of good public policy. Without employment, without housing, without basic life skills, without help in treating drug addiction or mental illness, offenders are likely to relapse into criminal behavior. It is insufficient to just punish offenders; we also need to look for ways that we can rehabilitate offenders and create an environment that fosters their ability to make a positive contribution to society.

There are programs in State and Federal detention facilities that are beginning to address some of these issues, but frankly, I believe we need to be doing more—especially with regard to jails across the country. By neglecting to focus on inmates in local jails we are also losing out on targeting the largest population of offenders that is returning to the community—it is estimated that jails return 10 to 20 times the number of people into the community as do Federal and State prisons,

approximately 10 million releases a year. I am very pleased that my suggestions regarding recognizing the role of local jails in the reentry process were incorporated into this bill.

I also believe we need to pay more attention to the issue of illiteracy among inmates. According to the National Institute of Literacy, 70 percent of all prisoners function at the two lowest literacy levels. Considering that studies have consistently demonstrated that correctional educational programs reduce recidivism rates by up to 30 percent, I strongly believe this is an area which deserves attention, and I am happy that this bill will bring additional resources for literacy programs.

If we are going to reduce the recidivism rate, we can't overlook the importance of getting these offenders the tools necessary to succeed in the community without recourse to crime. With over 2 million people incarcerated in the United States, if punishment is all we do, without any effort to rehabilitate and reintegrate offenders into the community, society will bear a heavy burden. Over 650,000 offenders are released from State and Federal facilities each year, in addition to 100,000 juveniles and the numerous individuals coming in and out of local jails that I previously mentioned. It makes sense to do all we can to ensure that these people are rehabilitated and have the skills necessary to successfully change course.

In recent years, many States and localities have begun to improve ways to transition offenders back into communities, and I believe that this bill provides the resources necessary to continue this effort.

By Mr. VOINOVICH (for himself and Mr. COLEMAN):

S. 2926. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers a credit against income tax for expenditures to remediate contaminated sites; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, revitalizing our urban areas has been an issue I have been passionate about for many years. As former Mayor of Cleveland, I experienced firsthand the difficulties that cities face in redeveloping these sites for reuse.

The legislation I am introducing today with Senator COLEMAN, the Brownfields Revitalization Act of 2004, will provide incentives to clean up abandoned industrial sites—or brownfields—across the country and put them back into productive use and preserve our green spaces. I am pleased to be working on this important legislation with my colleague from Ohio, Congressman MIKE TURNER.

I have been working on brownfields issues at the national level since I became Governor of Ohio in 1990 and through my involvement with the National Governors' Association and the Republican Governors' Association. For almost 15 years, I have worked closely with congressional leaders to develop legislation that would encourage cleanup and redevelopment of these sites nationwide.

In 2001, I was closely involved in the Senate Environment and Public Works Committee's work on the Brownfields Revitalization and Environmental Restoration Act which, in part, provided grants to local governments to remediate and redevelop brownfields sites. Grants such as these are important because they provide incentives to clean up existing sites, which will provide better protection for the health and safety of our citizens and the environment. I believe the tax incentives in the bill I'm introducing today will work hand in hand with the grants that are already authorized to encourage private remediation and redevelopment efforts.

To enhance and encourage cleanup efforts, my State of Ohio has implemented a private sector-based program to clean up brownfields sites. When I was Governor, Ohio EPA, Republicans and Democrats in the Ohio General Assembly and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio's environment and economy. In fact, 141 sites have been cleaned up under Ohio's voluntary cleanup program in 8 years. And many more cleanups are underway.

The legislation I am introducing today will build upon the success of State programs such as Ohio's by providing even more incentives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and the environment.

This legislation will provide additional tools to recycle our urban wastelands, prevent urban sprawl and preserve our farmland and greenspaces. We will be able to clean up industrial eyesores in our cities and make them more desirable places to live. Because they are putting abandoned sites back into productive use, they are a key element to providing economic rebirth to many urban areas, and good-paying jobs to local residents.

This bill makes sense for our environment and it makes sense for our economy. It is supported by the mayors of Ohio's major cities, the U.S. Conference of Mayors, the International Council of Shopping Centers, Empower America, American Council of Engineering Companies, and the National Association of Home Builders.

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

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

S. 2926

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Brownfields Revitalization Act of 2004''.

SEC. 2. CREDIT FOR EXPENDITURES TO REMEDIATE CONTAMINATED SITES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by adding at the end the following new section:

''SEC. 45G. ENVIRONMENTAL REMEDIATION CREDIT.

''(a) IN GENERAL.—For purposes of section 38, the environmental remediation credit determined under this section is 50 percent of the qualified remediation expenditures paid or incurred by the taxpayer during the taxable year with respect to a qualified contaminated site located in an eligible area.

''(b) QUALIFIED REMEDIATION EXPENDITURES.—For purposes of this section, the term 'qualified remediation expenditures' means expenditures, whether or not chargeable to capital account, in connection with—

''(1) the abatement or control of any hazardous substance (as defined in section 198(d)), petroleum, or any petroleum by-product at the qualified contaminated site in accordance with an approved remediation and redevelopment plan,

''(2) the complete demolition of any structure on such site if any portion of such structure is demolished in connection with such abatement or control,

''(3) the removal and disposal of property in connection with the activities described in paragraphs (1) and (2), and

''(4) the reconstruction of utilities in connection with such activities.

For purposes of this section, the term 'approved remediation and redevelopment plan' means any plan for such abatement, control, and redevelopment of a qualified contaminated site which is approved by the State development agency for the State in which the qualified contaminated site is located.

''(c) CREDIT MAY NOT EXCEED ALLOCATION.—

''(1) IN GENERAL.—The environmental remediation credit determined under this section with respect to any qualified contaminated site shall not exceed the credit amount allocated under this section by the State development agency to the taxpayer for the remediation and redevelopment plan submitted by the taxpayer with respect to such site.

''(2) TIME FOR MAKING ALLOCATION.—An allocation shall be taken into account under paragraph (1) for any taxable year only if made before the close of the calendar year in which such taxable year begins.

''(3) MANNER OF ALLOCATION.—

''(A) ALLOCATION MUST BE PURSUANT TO PLAN.—No amount may be allocated under this subsection to any qualified contaminated site unless such amount is allocated pursuant to a qualified allocation plan of the State development agency of the State in which such site is located.

''(B) QUALIFIED ALLOCATION PLAN.—For purposes of this paragraph, the term 'qualified allocation plan' means any plan—

''(i) which sets forth selection criteria to be used to determine priorities of the State development agency in allocating credit amounts under this section, and

''(ii) which gives preference in allocating credit amounts under this section to qualified contaminated sites based on—

''(I) the extent of poverty,

''(II) whether the site is located in an enterprise zone or renewal community,

''(III) whether the site is located in the central business district of the local jurisdiction,

''(IV) the extent of the required environmental remediation,

''(V) the extent of the commercial, industrial, or residential redevelopment of the

site in addition to environmental remediation,

''(VI) the extent of the financial commitment to such redevelopment, and

''(VII) the amount of new employment expected to result from such redevelopment.

''(4) STATES MAY IMPOSE OTHER CONDITIONS.—Nothing in this section shall be construed to prevent any State from requiring assurances, including bonding, that any project for which a credit amount is allocated under this section will be properly completed or that the financial commitments of the taxpayer are actually carried out.

''(d) STATE ENVIRONMENTAL REMEDIATION CREDIT CEILING.—

''(1) IN GENERAL.—The State environmental remediation credit ceiling applicable to any State for any calendar year shall be an amount equal to the sum of—

''(A) the unused State environmental remediation credit ceiling (if any) of such State for the preceding calendar year,

''(B) such State's share of the national environmental remediation credit limitation for the calendar year,

''(C) the amount of State environmental remediation credit ceiling returned in the calendar year, plus

''(D) the amount (if any) allocated under paragraph (3) to such State by the Secretary.

For purposes of subparagraph (A), the unused State environmental remediation credit ceiling for any calendar year is the excess (if any) of the sum of the amounts described in subparagraphs (B), (C), and (D) over the aggregate environmental remediation credit amount allocated for such year.

''(2) NATIONAL ENVIRONMENTAL REMEDIATION CREDIT LIMITATION.—

''(A) IN GENERAL.—The national environmental remediation credit limitation for each calendar year is $1,000,000,000.

''(B) STATE'S SHARE OF LIMITATION.—A State's share of such limitation is the amount which bears the same ratio to the limitation applicable under subparagraph (A) for the calendar year as such State's population bears to the population of the United States.

''(3) UNUSED ENVIRONMENTAL REMEDIATION CREDIT CARRYOVERS ALLOCATED AMONG CERTAIN STATES.—

''(A) IN GENERAL.—The unused environmental remediation credit carryover of a State for any calendar year shall be assigned to the Secretary for allocation among qualified States for the succeeding calendar year.

''(B) UNUSED ENVIRONMENTAL REMEDIATION CREDIT CARRYOVER.—For purposes of this paragraph, the unused environmental remediation credit carryover of a State for any calendar year is the excess (if any) of—

''(i) the unused State environmental remediation credit ceiling for the year preceding such year, over

''(ii) the aggregate environmental remediation credit amount allocated for such year.

''(C) FORMULA FOR ALLOCATION OF UNUSED ENVIRONMENTAL REMEDIATION CREDIT CARRYOVERS AMONG QUALIFIED STATES.—Rules similar to the rules of clauses (iii) and (iv) of section 42(h)(3)(D) shall apply for purposes of this paragraph.

''(4) POPULATION.—For purposes of this subsection, population shall be determined in accordance with section 146(j).

''(5) INFLATION ADJUSTMENT.—In the case of any calendar year after 2004, the $1,000,000,000 amount contained in paragraph (2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $500,000.

''(e) ELIGIBLE AREA; OTHER DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE AREA.—

''(A) IN GENERAL.—The term 'eligible area' means the entire area encompassed by a local governmental unit if such area contains at least 1 census tract having a poverty rate of at least 20 percent.

''(B) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates.

''(C) USE OF CENSUS DATA.—Population and poverty rate shall be determined by the most recent decennial census data available.

''(2) QUALIFIED CONTAMINATED SITE.—The term 'qualified contaminated site' has the meaning given to such term by section 198, determined by treating petroleum and petroleum by-products as hazardous substances.

''(3) POSSESSIONS TREATED AS STATES.—The term 'State' includes a possession of the United States.

''(f) CREDIT MAY BE ASSIGNED.—

''(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year, the amount of credit determined under this section for such year which would (but for this subsection) be allowable to the taxpayer shall be allowable to the person designated by the taxpayer. The person so designated shall be treated as the taxpayer for purposes of subsection (h).

''(2) TREATMENT OF AMOUNTS PAID FOR ASSIGNMENT.—If any amount is paid to the person who assigns the credit determined under this section, no portion of such amount or such credit shall be includible in the payee's gross income.

''(g) TREATMENT OF POTENTIAL RESPONSIBLE PARTIES.—

''(1) IN GENERAL.—No credit shall be allowed under this section to any potential responsible party (within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) with respect to any qualified contaminated site (including by reason of receiving an assignment of the credit under subsection (f)) unless at least 25 percent of the cost of remediating such site is borne by such party.

''(2) RELIEF FROM LIABILITY FOR OTHER 75 PERCENT.—If the requirement of paragraph (1) is met by a potential responsible party, such party shall not be liable under any Federal law for any cost taken into account in determining whether such requirement is met.

''(3) AMOUNTS PAID FOR CREDIT ASSIGNMENT NOT ELIGIBLE.—Amounts paid by a potential responsible party to any person for the assignment by such person of the credit under subsection (f)) shall not be taken into account in determining whether the requirement of paragraph (1) is met.

''(h) RECAPTURE OF CREDIT IF ENVIRONMENTAL REMEDIATION NOT PROPERLY COMPLETED.—

''(1) IN GENERAL.—If the State development agency of the State in which the qualified contaminated site is located determines that the environmental remediation which is part of the approved remediation and redevelopment plan for such site was not properly completed, then the taxpayer's tax under this chapter for the taxable year in which such determination is made shall be increased by the credit recapture amount.

''(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

''(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if the credit allowable by reason of this section were not allowed, plus

''(B) interest at the overpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

''(3) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit or the tax imposed by section 55.

''(i) DENIAL OF DOUBLE BENEFIT.—

''(1) IN GENERAL.—No deduction shall be allowed for that portion of the qualified remediation expenditures otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for such taxable year under this section.

''(2) SIMILAR RULE WHERE TAXPAYER CAPITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

''(A) the amount of the credit determined for the taxable year under this section, exceeds

''(B) the amount allowable as a deduction for such taxable year for qualified remediation expenditures (determined without regard to paragraph (1)),

the amount chargeable to capital account for the taxable year for such expenditures shall be reduced by the amount of such excess.

''(3) CONTROLLED GROUPS.—In the case of a corporation which is a member of a controlled group of corporations (within the meaning of section 52(a)) or a trade or business which is treated as being under common control with other trades or businesses (within the meaning of section 52(b)), this subsection shall be applied under rules prescribed by the Secretary similar to the rules applicable under subsections (a) and (b) of section 52.''

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking ''plus'' at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting '', plus'', and by adding at the end the following new paragraph:

''(16) the environmental remediation credit determined under section 45G(a).''.

(c) NO CARRYBACKS BEFORE EFFECTIVE DATE.—Subsection (d) of section 39 of such Code (relating to carryback and carryforward of unused credits) is amended by adding at the end the following:

''(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the environmental remediation credit determined under section 45G may be carried back to a taxable year ending before the date of the enactment of section 45G.''.

(d) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 45G. Environmental remediation credit.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. CORNYN (for himself, Mr. MCCONNELL, and Mr. MCCAIN):

S. 2931. A bill to enable drivers to choose a more affordable form of auto insurance that also provides for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CORNYN. Mr. Chairman, on behalf of my co-sponsors, Senators MCCONNELL and MCCAIN, I rise today to introduce legislation that I believe has the potential to improve profoundly the lives of millions of Americans across the country.

The Auto Choice Reform Act of 2004 offers a real solution to a very real problem faced by those of us who drive every day—the high cost and inadequate compensation of the current tort and liability automotive insurance system.

The tort system ought to ideally compensate people injured by negligence and deter others from acting irresponsibly. With respect to auto accidents, the system fails miserably on both counts.

Numerous studies over the past 75 years document just how poorly the tort system compensates injured people. Almost one-third of injured people recover nothing at all, and many injured persons who do recover compensation must wait years to receive payment from the other person's insurer.

Worst of all, people with minor injuries recover compensation far in excess of their actual losses while many people with serious injuries are grossly underpaid. The RAND Institute for Civil Justice has found that people with economic losses between $500 and $1,000 recover on average 2½ times their economic loss. This is largely due to the fact that it is cheaper for an insurer to pay a questionable claim than to pay the costs of going to court, where they risk paying a multiplier of economic damages for pain and suffering.

The perverse incentives generated by pain-and-suffering damage awards also cause rampant fraud and abuse in auto insurance claims. A study by the RAND Institute for Civil Justice confirms that between 35 and 42 percent of medical costs claimed in auto accidents occur in response to the incentives of the tort liability system. In other words, more than one-third of all medical losses claimed in auto accidents are fraudulent or exaggerated—attempts to nab the pain-and-suffering jackpot.

On the other hand, people with the highest economic losses, in excess of $100,000, recover only 9 percent of their economic loss on average. To add injury to insult, that amount doesn't even include their lawyers' standard one-third fee. Because most drivers don't carry enough insurance to even pay this level of economic loss, particularly after attorneys' fees are deducted, people with the most serious injuries rarely recover anything for pain-and-suffering.

In short, we would be hard pressed to design a worse compensation system if we tried.

Indeed, the system is so bankrupt that lawyers in the auto insurance litigation currently consume more than 25 cents out of every premium dollar spent, an amount that is significantly more than the amount received by those actually injured for medical bills and lost wages. In total, more than $16 billion went to lawyers in 2001 for automobile related personal injury cases.

What about deterrence? Perhaps it is worth paying for a poor compensation system if people are deterred from driving badly, thereby avoiding injuries in the first place. Some studies have made this argument but the most comprehensive analysis of accident data, again by the RAND Institute for Civil Justice, has found that the tort system has little or no deterrent impact. This conclusion is a logical one. If a driver is not deterred by the threat of personal danger from reckless driving, then surely that driver is not deterred by the penalty for reckless driving—simply a modest increase in one's insurance premium.

The current system is also unnecessarily expensive, as is clearly demonstrated by the fact that the Joint Economic Committee estimates that switching to the new Personal Injury Protection system, discussed below, which relies primarily on the payment of economic losses for all injured persons without regard to fault and largely without the need for lawsuits, could save drivers a total of $48 billion a year in unnecessary premiums.

Excessive premiums disproportionately impact low income Americans and welfare recipients. Families in the bottom 20 percent of incomes who buy auto insurance spend 16 percent of their household income on that insurance. That percentage is seven times the proportion that families in the top 20 percent spend. Lower premiums would enable many low income workers to afford the cars they need to travel to better-paying jobs. The Auto Choice reform legislation we are proposing today would reduce premiums for low income people by more than it would reduce them for the average driver—both in terms of percentages and often in terms of absolute dollars. And all drivers would see significantly lower premiums.

Auto Choice is designed to allow consumers to choose the type of insurance that meets their needs and to opt out of the pain-and-suffering litigation lottery associated with the current system.

Essentially, drivers are permitted under Auto Choice to choose a new Personal Injury Protection, ''PIP'', Insurance under which they would be compensated without regard to fault for all economic losses up to their policy limits by their own insurance company, with nothing available for pain and suffering. Alternatively, for those who remain in the current tort system, they will select a small amount of additional coverage similar to an uninsured motorist for situations involving another motorist that opted for the PIP system—a premium offset by the savings realized by everyone as a result of the overall shift away from the lawsuit system.

The system does not abolish lawsuits. By design, there will be reduced incentives to head straight to court, but the right to sue remains firmly intact—as injured parties not fully compensated can sue to recover excess economic losses over and above that covered by the PIP coverage and other sources of first party insurance. They can also sue for all damages, including pain and suffering, when the accident is caused by a driver who is drunk or on drugs.

In summary, if a driver wants to maintain the possibility of recovering for pain and suffering, he will stay in essentially the current system. On the other hand, if he wants to opt-out of the current system in exchange for lower premiums with prompt compensation for economic losses—then he instead will choose the personal injury protection system.

The idea is not a new one. Indeed, this idea has been discussed—and even introduced in one form or another—for over thirty years now. Several versions of Auto Choice reform have enjoyed broad support on both sides of the aisle. Senator Daniel Patrick Moynihan, Steve Forbes, Michael Dukakis, Mayor Rudy Guliani, Congressman Dick Armey—just to name a few—have all opined in support of giving drivers a way out of the current ineffective system.

The time has come for Congress to act. The results of our action are clear and tangible: were Congress to enact Auto Choice Reform legislation now, motorists would stand to save as much as $48 billion next year.

Think about that for just one moment. Over 5 years, Americans would be able to save almost $250 billion—savings tantamount to a massive tax cut with absolutely no negative impact to the Federal deficit.

And what does this mean for the average American? The average American family with two cars will be able to save nearly $380 a year, according to Joint Economic Committee estimates.

Particularly encouraging is the effect these savings will have for low income families. Lower auto insurance premiums will make owning a car more affordable for poor Americans, allowing them to find and keep better-paying jobs and have longer commutes. Auto Choice would allow low-income drivers to save almost 37 percent on their overall automobile premium. For a low-income household, these savings

are the equivalent of 5 weeks of groceries or nearly 4 months of electric bills.

Auto Choice Reform can provide immediate and real relief for average, mainstream American families across the country. Those are real savings, resulting from a sound system that offers legitimate choice—a choice between guaranteed upfront savings on insurance premiums on one hand; and on the other, the right to sue for non-economic damages such as pain and suffering in the event an accident one day occurs.

For most Americans, I believe the choice is an easy one. Unfortunately, for most Americans today, that choice is unavailable.

The Auto Choice Reform Act of 2004 gives the American people that choice. Let's get government back to doing what it ought to—protecting the rights of all Americans to have the freedom to make choices about how they live their lives.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. JOHNSON, and Mr. WYDEN):

S. 2933. A bill to amend the Public Health Service Act to expand the clinical trials drug data bank; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Fair Access to Clinical Trials (FACT) Act. I want to begin by thanking Senator KENNEDY, Senator JOHNSON, and Senator WYDEN for joining me in introducing this legislation. Our bill will create a clinical trials registry—an electronic database—for drugs, biological products, and medical devices. Such a registry will ensure that physicians, the general public, and patients seeking to enroll in clinical trials have access to basic information about those trials. It will require manufacturers and other researchers to reveal the results of clinical trials so that clinically important information will be available to all Americans, and physicians will have all the necessary information to make appropriate treatment decisions for their patients.

Events of the past several months have made it clear that such a registry is needed. Serious questions have been raised about the effectiveness and safety of antidepressants when used in children and youth. It has now become clear that the existing data indicates that these drugs may very well put children at risk. However, because the data from antidepressant clinical trials was not publicly available, it took years for this risk to be realized. In the meantime, millions of children have been prescribed antidepressants by well-meaning physicians. While these drugs undoubtedly helped many of these children, they also led to greater suffering for others.

Unfortunately, antidepressants are just one example of a story that has become all too common. In the case of antidepressants, negative data might actually have been suppressed, and if this is discovered to be the case, those responsible should be dealt with harshly. However, because of what is known as ''publication bias,'' the information available to the public and physicians can be misleading even without nefarious motives. The simple fact is that a study with a positive result is far more likely to be published, and thus publicly available, than a study with a negative result. Physicians and patients hear the good news, but rarely the bad news. In the end, the imbalance of available information hurts patients.

Our bill would correct the imbalance of information, and prevent manufacturers from suppressing negative data. It would do so by expanding clinicaltrials.gov, an existing registry that is operated by the National Library of Medicine (NLM). Currently, clinicaltrials.gov includes information for patients seeking to enroll in clinical trials for drugs to treat serious or life-threatening conditions. The FACT Act would expand the registry to include all trials (except for preliminary safety trials), and would also require the submission of results data. At the same time, the bill would ensure that clinicaltrials.gov continues to operate as a resource for patients seeking to enroll in trials.

Our legislation would enforce the requirement to register trials in two ways. First, by requiring registration as a condition of Institutional Review Board (IRB) approval, no trial could begin without submitting preliminary information to the registry. This information would include the purpose of the trial, the estimated date of trial completion, as well as all of the information necessary to help patients to enroll in the trial.

Once the trial is completed, the researcher or manufacturer is required to submit the results to the registry. If they refuse to do so, they are subject to monetary penalties or, in the case of federally funded research, a restriction on future funding. It is my belief that these enforcement mechanisms will ensure broad compliance. However, in the rare case where a manufacturer does not comply, this legislation also gives the Food and Drug Administration (FDA) the authority to publicize the required information.

Let me also say that any time you are collecting large amounts of data and making it public, protecting patient privacy and confidentiality must be paramount. Our legislation would in no way threaten that privacy. The simple fact is that under this bill, no individually identifiable information would be available to the public.

I believe that the establishment of a clinical trials registry is absolutely necessary for the health and well-being of the American public. But I would also like to highlight two other benefits that such a registry will have. First, it has the potential to reduce health care costs. Studies have shown that publication bias also leads to a bias towards new and more expensive treatment options. A registry could help make it clear that, in some cases, less expensive treatments are just as effective for patients.

In addition, a registry will ensure that the sacrifice made by patients who enroll in clinical trials is not squandered. Many patients would be less willing to participate in trials if they understood that the data are unlikely to be made public if the results of the trial are negative. We owe it to patients to make sure that their participation in a trial will benefit other individuals suffering from the same illness or condition.

The problems associated with publication bias have recently drawn more attention from the medical community, and there is broad consensus that a clinical trials registry is one of the best ways to address the issue. Accordingly, the American Medical Association (AMA) has recommended the creation of such a registry, and the major medical journals have established a policy that they will only publish the results of trials that were registered in a public database before the trial began. Our legislation meets all of the minimum criteria for a trial registry set out by the International Committee of Medical Journal Editors.

To its credit, the pharmaceutical industry has also acknowledged the problem, and has created a registry to which manufacturers can voluntarily submit clinical trials data. I applaud this step. However, if our objective is to provide the public with a complete and consistent supply of information, a voluntary registry is unlikely to achieve that goal. Some companies will provide information, but others may decide not to participate. We need a clinical trials framework that is not just fair to all companies, but provides patients with peace of mind that they will receive complete information about the medicines they rely on.

The American drug industry is an extraordinary success story. As a result of the innovations that this industry has spawned, millions of lives have been improved and saved in our country and around the globe. Because of the importance of these medicines to our health and well-being, I have consistently supported sound public policies to help the industry to succeed. This legislation aims to build upon the successes of this industry, and help ensure that the positive changes to our health care system that prescription drugs have brought are not undermined by controversies such as the one now surrounding antidepressants, which is at least in part based on a lack of public information. This bill will help ensure that new and innovative medicines will be used by well-informed patients.

I look forward to working with industry, physicians, the medical journals, patient groups, and my colleagues to

move this legislation forward. This bill has already been endorsed by the National Organization for Rare Disorders, Consumers Union, the Elizabeth Glaser Pediatric AIDS Foundation, and the American Academy of Child and Adolescent Psychiatry. I thank these organizations for lending their expertise as we crafted this legislation, and I ask that a copy of their letters of endorsement be included in the RECORD after this statement.

Clinical trials are critical to protecting the safety and health of the American public, and for this reason, trial results must not be treated as information that can be hidden from scrutiny. Recent events have made it clear that a clinical trials registry is needed. Patients and physicians agree that such a registry is in the interest of the public health. I urge my colleagues to support this legislation, and I am hopeful that it will become law as soon as possible.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

NATIONAL ORGANIZATION FOR RARE DISORDERS, INC.,
Danbury, CT, October 7, 2004.

Hon. CHRISTOPHER DODD,
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: The National Organization for Rare Disorders (NORD) is honored to support your efforts to establish a centralized and comprehensive registry of both public and privately funded clinical research. The ''Fair Access to Clinical Trials Act of 2004'' will provide the mechanism whereby patients, including those living with rare diseases, will have access to ALL clinical research data—both positive and negative—something NORD has supported for many years.

There are over 25 million Americans currently living with one of the 6,000 known rare diseases. Unfortunately, for most of these diseases, little, if any, research is conducted. Thus, finding a trial is like trying to locate a needle in a massive haystack. Without your help, patients will continue to struggle to somehow find a clinical trial in the hopes that a therapy to alleviate symptoms or cure their disease may someday be found.

NORD also applauds the ''FACT Act'' because it will penalize industry when they purposefully and willfully hide negative data only to their bottom line. It is unconscionable to think that harmful information has been shielded from patients and healthcare providers, causing irreparable harm, and sometimes death.

Senator Dodd, NORD thanks you for your continuing concern about the health and welfare of all Americans. We will work with you to ensure that the ''Fair Access to Clinical Trials Act of 2004'' becomes a reality.

Sincerely.

DIANE E. DORMAN,
Vice President.

CONSUMERS UNION,
October 7, 2004.

Hon. CHRISTOPHER J. DODD,
Hon. EDWARD M. KENNEDY,
Hon. TIM JOHNSON,
Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD, KENNEDY, JOHNSON, AND WYDEN: Consumers Union, the non-profit publisher of Consumer Reports magazine, commends you for introducing the ''Fair Access to Clinical Trials Act of 2004'' (FACT Act). The legislation would create a mandatory publicly available national registry of all clinical trials involving drugs, biological products, and devices. This bill would enable consumers, doctors, and other health care providers to make appropriate decisions about care based upon more complete and accurate safety, efficacy, and comparative-effectiveness data.

The recent episode involving Paxil, one of the most popular antidepressants on the market, underscores a potentially dangerous information gap in drug regulation: the ability of drug manufacturers to effectively conceal study results that reveal their products to be ineffective or potentially hazardous. The number of U.S. children taking antidepressants has more than doubled since the early 1990s. In the past year, new evidence has emerged suggesting a possible connection between children starting antidepressant treatment and an increase in suicide risk. The public was disturbed to learn that Paxil's manufacturer, GlaxoSmithKline, submitted three studies to the FDA when it sought approval for pediatric use. The only one of the three studies that showed that Paxil worked for depression was published in the Journal of the American Academy of Child and Adolescent Psychiatry. This article disguised evidence of potential suicidal thoughts by calling them ''emotional lability.'' However the two additional negative Paxil studies were never published in any journal. Meanwhile, doctors continued to prescribe Paxil for children—an estimated 2.1 million prescriptions in 2002 alone.

Your legislation would begin to close the gap in the disclosure of information discovered during clinical trials. It would require trial sponsors to register publicly and privately funded clinical trials of drugs, biological products, and medical devices. The registry will further the goal of transparency by making information publicly available about trials, including: the purpose of the trial; whether the trial focuses on an unapproved use; a description of primary and secondary outcomes to be studied; the estimated completion date; the actual completion date (and the reasons for any difference from the estimated completion date); a summary of the trial results; adverse events observed during the investigation; and a description of the protocol followed in the trial.

Under the bill, before receiving Federal funding, a principal investigator would be required to certify that it will comply with the bill's registration requirements. Failure to submit trial result information could result in its inability to receive future federally funded contracts. Sponsors of privately funded trials also would be required to disclose the same information, or face potential civil penalties. If any trial sponsor fails to comply with the registration requirements, the Secretary of the Department of Health and Human Services is directed to disclose in the registry that the sponsor has failed to turn over trial results.

Strong incentives and penalties must be in place in order to ensure that pharmaceutical companies do not suppress negative safety or efficacy information in order to boost their profits. These practices are unacceptable, and we look forward to working with you to ensure transparency for clinical trial results, and to create even stronger incentives and penalties in the legislation to remove any financial motive clinical trial sponsors may have to hide important health information from consumers.

Sincerely,

JANELL MAYO DUNCAN,
Legislative and Regulatory Counsel, Washington Office.

ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION,
October 7, 2004.

Hon. CHRISTOPHER J. DODD,
U.S. Senate, Washington, DC.
Hon. TIM JOHNSON,
U.S. Senate, Washington, DC.
Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.
Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATORS DODD, KENNEDY, JOHNSON AND WYDEN: On behalf of the Elizabeth Glaser Pediatric AIDS Foundation, I would like to commend your leadership in introducing the ''Fair Access to Clinical Trials Act of 2004'' (The FACT Act) and offer our strong endorsement of your efforts to establish a publicly accessible registry of clinical trials, including important pediatric studies.

The Foundation was created more than 15 years ago to help children with HIV/AIDS and is now the worldwide leader in the fight against pediatric AIDS and other serious and life-threatening diseases affecting children. In 2000, the Glaser Pediatric Research Network was founded as an affiliate of the Foundation, with the goal of advancing vital clinical discoveries on behalf of all children. Through a partnership among five pre-eminent academic medical centers, the Network is currently supporting clinical drug trials and other pediatric studies on a range of conditions affecting children such as obesity, cancer, osteoporosis, and rare bleeding disorders.

As longstanding advocates of testing drugs for use in children, we welcome the dramatic increase in pediatric studies that has resulted from the enactment of both incentives and a pediatric testing requirement. However, simply conducting pediatric research is insufficient if the results of that research are not made fully available to pediatricians, parents, and researchers. By making clinical trial information publicly accessible in a timely way, the FACT Act will serve as a critical next step in improving the safety and efficacy of medicines used by children.

We are particularly pleased that the FACT Act acknowledges the unique circumstances and contributions of non-profit sponsors of research. Your attention to the need to ensure the continued viability of critical research partnerships between non-profit and for-profit funders is very much appreciated. In addition, as we continue our efforts to improve the availability of medical devices designed for children's unique needs, we applaud your inclusion of device clinical trials in the scope of the registry.

Thank you again for your commitment to ensuring that important safety data from pediatric and adult clinical trials is available to improve public health. We look forward to working with you in the 109th Congress to secure bipartisan support for and passage of this important legislation.

Sincerely,

MARK ISAAC,
Vice President, Policy and Communication.

AMERICAN ACADEMY OF CHILD & ADOLESCENT PSYCHIATRY,
Washington, DC, October 7, 2004.

Hon. CHRISTOPHER DODD
U.S. Senate, Washington, DC.

DEAR SENATOR DODD: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), thank you for your efforts to improve the health of children, adolescents and adults through better access to

clinical trial data. Legislation that you are sponsoring, the Fair Access to Clinical Trials (FACT) Act, will ensure that physicians, including child and adolescent psychiatrists, patients and parents have all available knowledge about a medication's safety and effectiveness, so that they can make informed decisions about treatment options.

The AACAP is pleased to have been at the forefront of calling for a national clinical trails registry. Research is key to understanding the cause of depression, especially in children and adolescents, and access to all research findings will help clinicians develop the most effective treatment plans. It is this principle that led the AACAP and the American Psychiatric Association (APA) to urge the American Medical Association to join their call for a national registry, which it did earlier this year.

Again, we thank you for sponsoring the Fair Access to Clinical Trials Act. We are encouraged by the support for this bill and are eager to work with you to ensure its passage. Please contact Nuala S. Moore, Asst. Director of Government Affairs, at 202.966.7300, x. 126, if you have any questions concerning clinical research or other children's mental illness issues.

Sincerely,

RICHARD SARLES, M.D.,
President.

Mr. JOHNSON. Mr. President, today I join several of my colleagues in introducing a very important piece of legislation that will improve access to information about prescription drugs for patients and their doctors. Today Senators DODD, KENNEDY and WYDEN and I are introducing the Fair Access to Clinical Trials Act, or FACT Act. I want to commend my colleagues for their hard work on this legislation. I also want to thank them for their commitment to ensuring that finally, objective, unbiased information can be put in the hands of consumers and doctors, reducing negative outcomes, improving patient care and ultimately reducing costs of medications.

It is unacceptable that today, much of the information consumers and doctors rely on to make decisions about the medications they use are based on incomplete information. Patients are often swayed by direct-to-consumer drug advertisements. Doctors must rely on the information they learn at drug company sponsored conferences, and in peer reviewed journals that publish largely the success stories. But what about the untold stories? What about the clinical trials that were discontinued by drug companies because the data appeared to not be going in the right direction? What about the studies that are part of an application for a new drug that may show a negative result? And what about trials that have been conducted to study the appropriateness of an off-label use? Today, physicians and their patients do not have access to any of this important information, and that must change now.

The lack of access to this information can have real, devastating effects on patients. We have all heard the stories in the papers in recent months. We have heard about New York Attorney General Eliot Spitzer's lawsuit, which charged GlaxoSmithKline with suppressing the publication of studies suggesting that its antidepressant drug Paxil could increase the risk of suicide among adolescents. Further investigation of this issue has found that some manufacturers of antidepressants highlighted positive findings in tests on youngsters while playing down negative or inconclusive ones.

We have just recently learned that the arthritis medication Vioxx was pulled off the market, due to negative study findings, and just yesterday learned that over 27,000 sudden cardiac deaths and heart attacks may have been caused. While Merck did the right thing by pulling the drug after learning of clinical trial, they were under no obligation to share this information with consumers or the medical profession. Drug companies have lobbied to ensure that only the Food and Drug Administration gets this information and, even then, some drug companies simply discontinue studies that they do not think will reflect favorably on their product.

What doctors advocating the development of a comprehensive clinical trial registry have indicated is that without ready access to all experimental data, good, bad and indifferent, they cannot hope to know what is the best treatment for their patients. Our legislation will get at that very issue, by requiring that clinical trials are registered in a database that is accessible to the public.

This bill will create a comprehensive clinical trial database, which will require that all trials for drugs, biologics, and medical devices be registered in the database in order to obtain approval from a U.S. Institutional Review Board to move forward with any study. Researchers will be required to disclose basic information about a study initially, so that consumers can be aware of studies while they are underway.

Once trials are completed, the bill requires that the results of those studies be made available to doctors and patients. There is significant time allowed in the bill for researchers to publish their results, prior to them being made public in the database. Submission to this database will be mandatory for all federally funded and non-federally funded trials, and strong enforcement mechanisms are incorporated into the bill.

Making the results of clinical drug trials public is not only a good consumer right-to-know or rather need-to-know issue, but it is also the ethically responsible thing to do. Patients enter trials for the good of science. It is our obligation to ensure that their sacrifices provide for the greater good of the public health. Publicizing the results of those studies is a step in that direction. Patients enrolling in clinical trials often know up front that the likely chance of directly benefiting from a treatment is unknown. But patients are also told that even if they do not experience a positive outcome, doctors can learn from the results, which will advance science in the long term.

This legislation is strongly supported by the National Organization for Rare Disorders, Consumers Union and the Academy of Child and Adolescent Psychiatry. I urge my colleagues to support this important legislation which is long overdue.

Mr. KENNEDY. I am pleased today to introduce the Fair Access to Clinical Trials or FACT Act. This needed legislation will improve the information available to patients and their families about the medical treatments they receive. For too long, drug companies have been able to hide damaging data that show their new wonder drug is not really the wonder they claim it to be. That practice ends on the day the FACT Act is enacted. From that day forward, consumers, doctors and researchers will have access to the results of clinical trials, so they can make informed decisions about treatment options.

No patient should ever die because they didn't get the information they needed on the medications they rely on to protect their health.

The legislation we introduce today is offered by a strong group of Senators and Representatives from across the nation. I commend my colleague, Senator DODD, for his leadership in the Senate on this important measure. Senator DODD has a strong and lasting commitment to improving the health and health care of all our citizens, and particularly for the youngest and most vulnerable. I am also pleased to join Senator RON WYDEN and Senator TIM JOHNSON in introducing this proposal, and I commend them for their commitment and skillful leadership in this area.

Our colleagues in the House of Representatives are today introducing almost identical legislation, and I commend our colleagues, Representative ED MARKEY and Representative HENRY WAXMAN, for their tireless efforts on this important issue.

As part of the FDA Modernization Act, Congress directed the Department of Health and Human Services to establish a registry of clinical trials. This provision was well timed, because it coincided with the rapid expansion of internet use. As a result, the National Library of Medicine has established a web site, clinicaltrials.gov, that is intended to contain information on all clinical trials for serious and life threatening diseases.

Sadly, recent studies show that drug manufacturers are not complying with the requirement to list even basic information on the trials they conduct. A recent study showed that only 48 percent of the required cancer trials were properly submitted to the registry, and rates for other serious diseases were in the single digits. As a result of this shameful failure, patients are being denied important information on clinical trials in which they may be eligible to participate.

Action is long overdue to give the NIH and the FDA better ways to see that companies and researchers properly register the trials they conduct. The FACT Act will assure that any researcher or sponsor seeking to conduct a clinical trial will be required, as a condition for approval to conduct the trial, to submit information on that trial to the clinical trial registry. This common-sense provision will see that patients seeking to enroll in clinical trials will have access to a complete set of information on the trials for which they may be eligible. No patient should be denied access to a lifesaving clinical trial because the sponsor of the trial shirked their responsibility to submit information to the national registry.

Ensuring that all trials are registered is important, but registration alone is not enough to see that patients get the information they need on the treatments they receive. We must also see that the results of clinical trials are included in the registry.

The FACT Act requires researchers and clinical trial sponsors to submit the results of their trials to the registry. With a complete and comprehensive set of information, patients will be better able to evaluate the treatments they receive, and physicians will have access to complete information on the treatments they prescribe. The FACT Act requires companies to list the results of trials—even when they show that a product is less effective than its manufacturers want to claim.

All of us are familiar with the way that drug companies hid information on potentially harmful side effects in children of antidepressants. Many of our Republican colleagues in the House forcefully criticized the FDA for failing to release information they possessed showing that these pills sometimes cause suicidal tendencies in the children who received them.

The FACT Act addresses both of these serious concerns. It requires companies to list the results of their trials, and gives FDA the authority to impose civil monetary penalties on those who fail to do so. It also gives FDA the clear legal authority to release information on the results of a clinical trial if a company fails to do so. No longer will FDA face the terrible dilemma of knowing that it possesses information crucial to assuring public health and safety, but is unable to release that information to the public because of legal constraints. The FACT Act assures that FDA has the clear authority to take the steps it needs to take to protect public health.

I urge Congress to take swift action on the proposals introduced today in the House and Senate. We have little time left in this session, but the measures introduced today have broad support from medical professional, consumer organizations and the publishers of professional journals.

Some companies have already taken voluntary steps to release information on clinical trials. These voluntary efforts are commendable, but they are inadequate to give the public the comprehensive information they need and deserve. Voluntary reporting efforts on the companies' own web sites will not result in a single, central database that every patient can consult. Sporadic efforts by individual companies will not elicit the comprehensive information needed on all clinical trials—not just those of the few companies that participate in the voluntary initiative. And voluntary efforts undertaken now may not be sustained in the future, when the hot glare of public attention fades from this issue.

To give patients and health professionals the information they need to improve the quality of medical care, we need a strong legal requirement to list comprehensive information on clinical trials in a single publicly accessible database. Patients and their families deserve the FACT Act, and I urge my colleagues to support it.

Mr. WYDEN. Mr. President, today I join Senators DODD, KENNEDY, and JOHNSON in introducing the Fair Access to Clinical Trials Act of 2004. This legislation is an important milestone for patients and doctors around this country because it would create a centralized clinical trials registry by expanding the current clinical trials.gov website to provide not only information about clinical trials they might want to be part of, but also the results of those trials. If information is not provided so it can be posted on the website, serious penalties could be imposed, including a researcher losing their ability to get future Federal grants.

It is vitally important that patients and their doctors have the information they need to decide upon the best treatment for them. As we all know, drugs are often the key treatment for many health problems. Good results about the safety and effectiveness of treatments are often trumpeted by drug companies and the media, but Americans are less likely to hear about clinical trial results that are not so good or truly negative. This legislation will ensure that everyone can get a fair picture of all results of clinical trials.

I believe that this legislation strikes the delicate balance needed so that companies which create breakthrough drugs can keep their trade secrets, the important process of assuring peer review in medical literature can continue, and consumers, doctors and researchers can have access to the information they need to make sound decisions about their health care.

Research is key in assuring health care improvements. Knowing the results of research is key in assuring better health care quality and improving decision-making by doctors and their patients. I believe that the expanded website created by this legislation will be an important tool in improving doctors' and patients' knowledge and decision-making that might well mean life or death for some patients.

By Ms. CANTWELL:

S. 2934. A bill to combat methamphetamine abuse in the United States; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, I rise today to introduce the Confronting Methamphetamines Act of 2004.

Methamphetamine, meth, use is growing exponentially in parts of our country and is spreading across the country at an alarming rate. We must act aggressively to attack the meth problem with a long-term commitment of resources or we will soon have a national drug crisis on the scale of an epidemic.

Meth is an extremely dangerous and highly addictive drug. Individuals who use meth risk becoming addicted to this life-destroying drug with just one use. Meth use has ruined the lives of many people who prior to their addiction to meth were successful contributors to our society and our economy.

Meth use triggers an avalanche of other problems for addicts' families and our communities. The use of meth is often linked to child abuse and the destruction of families. It contributes substantially to the perpetration of violent crimes, particularly burglary and crimes of substantial cost and personal pain to the victims, including identity theft. The stories I have heard about meth users are horrible—parents so focused on feeding their habit that they forget their children are right there with them, hungry, and without any love or care. Users become aggressive, violent and unstable. Often, the kids end up users as well.

Sadly, our children are discovering meth, and the results will be devastating. According to a 2001 study by the Centers for Disease Control and Prevention, nearly one in ten high school students have used meth. The statistics are clear: the problem is bad, and it's getting worse. The National Center on Addiction and Substance Abuse at Columbia University reports that while the proportion of teens who know users of LSD, cocaine, and heroin has dropped sharply from last year, the percentage of teens who know a user of methamphetamines has risen from 12 percent in 2003 to 15 percent this year.

The devastation to our kids' lives is hitting our rural communities first. The Columbia University researchers also found that eighth graders living in rural America are 104 percent more likely to use amphetamines than eighth graders in urban areas.

And meth is not just a health and social problem; it is also an enormous environmental problem. There are two types of local meth labs: so-called ''super-labs,'' which are capable of manufacturing large volumes of methamphetamines and clandestine labs set up by users to manufacture small amounts of the drug for personal use. These clandestine labs can be set up in the woods, in hotel rooms or even in the back seat of a car. They can be

set up anywhere, but are usually located where there is little traffic or population.

These hazardous ''labs'' can go unnoticed for years, but they produce major chemical hazards and pose severe fire risk. Meth production generates extremely hazardous byproducts, such as anhydrous ammonia, ether, sulfuric acid, as well as other toxins that are volatile, corrosive, and poisonous. When these substances are illegally disposed of in rivers, streams and other dump areas, explosions and serious environmental damage can and does result. Our State and local environmental agencies are responsible to cleanup these hazardous sites and it is taking a toll on their resources.

The use of meth is spreading rapidly from the western region of the United States across the rural Midwest and to the east. The spreading availability of methamphetamine is illustrated by increasing numbers of meth seizures, arrests, indictments, and sentences. And those numbers are rising across the country. According to the National Drug Intelligence Center, methamphetamine is widely available throughout the Pacific, Southwest, and West Central regions and is increasingly available in the Great Lakes and the Southeast.

Similarly, the National Institute on Drug Abuse's Community Epidemiology Working Group reports that, in 2002, methamphetamine indicators remained highest in West Coast areas and parts of the Southwest, as well as Hawaii. Meth abuse and the crimes associated with it are spreading in areas such as Atlanta, Chicago, Detroit, St. Louis, and Texas, as well as the East Coast and mid-Atlantic regions. This problem, once perceived as a ''western state'' problem, has become a nationwide problem, growing at an extraordinary rate.

My State has shown that a cooperative effort—law enforcement working side-by-side with those handling cleanup, intervention, treatment, child and family support, drug courts and family drug courts, and education—is effective at addressing this problem. Thanks to the Washington Methamphetamine Initiative and the ''Methamphetamine Action Teams,'' multi-disciplinary teams situated in each county across the State, meth production was cut back by 25 percent last year. Washington State has dropped from second in the Nation to sixth in the production of meth. The comprehensive, holistic approach my State has taken to combat meth is working well, and I believe that our program can be a model for the national fight.

By making intervention, treatment and family support as important as arrests and prosecution, we are effectively overcoming the secondary problems that meth creates by addressing the root causes, not just the social symptoms. By taking this approach we are not simply growing prison populations and pushing the problem to regions not previously impacted by meth, but attacking the growth of the use of this terrible drug.

We in Washington State have also learned that laws restricting the sale of large quantities of precursor drugs such as ephedrine make it more difficult for users to produce meth, and this tactic has reduced the number of clandestine labs in the State.

This approach to fighting meth use has been very successful, but it takes money. And although there has been an explosion in the use of meth, Federal funding has been cut. Each year, States with a growing meth problem are required to go through a politicized process seeking Federal funding through the earmark process. And each year, the funds are being cut.

These challenges to our States mean only one thing: we need to make funding to combat meth permanent. Permanent Federal funding support for meth enforcement and clean-up is critical to the efforts of State and local law enforcement to reduce the use, manufacture and sale of meth.

That is why I am introducing the Confronting Methamphetamines Act of 2004. This bill will create a supplemental grant to augment the Department of Justice's Byrne Formula Grant Program to provide block grants to help States confront their meth problems.

Under my bill, States will be able to apply for a formula grant if they meet two prerequisites: the State must have a comprehensive, long term plan to address methamphetamine use, manufacture and sale; and the State legislature must commit to enacting laws to limit the sales of precursor products (the commercially available products used to make meth, such as ephedrine). Where a State has met these two requirements, that State will be eligible to receive a Federal formula grant.

States have discretion as to how to use the funds. The activities funded may include arrest, lab seizures and clean up, child and family support services, community based education, awareness and prevention, intervention, treatment, Drug Court and Family Drug Court, community policing, the hiring of specially trained law enforcement, State and local health and environmental department support, and prosecution.

The Confronting Methamphetamines Act also provides for planning grants, $100,000 per State, so States can develop long-term strategies to address meth. We have seen in Washington and in other States that comprehensive plans to address all aspects of meth—from use to manufacture to sale—have the best and most efficient results. Through this provision, I want to encourage States to consider the long-term situation when they take the initial steps in combating meth.

To assure that the best practices to confront meth deployed in our local communities are shared across the country, my bill requires the U.S. Attorney General to collect data, to establish a national clearinghouse for best practices in addressing the meth problem, and to provide technical assistance to States or local agencies.

Like the Byrne Formula Grants, distribution to eligible States will be based on State population. The supplemental allocation to an eligible State will be no less than the base amount of $250,000 or 0.25 percent of the amount available for the program, whichever is greater, with the remaining funds allocated to the other eligible States on the basis of the state's relative share of total U.S. population.

The bill authorizes $100 million per fiscal year 2005 and 2006, elevating the funding to $200 million for the subsequent three years, assuring that the funds are available as the meth problem grows and more States become plagued by the problem of meth.

I have received letters supporting this legislation from the Fraternal Order of Police, National Association of Drug Court Professionals, the Police Executive Research Forum, the Washington State's Governor's office, representing State law enforcement, environmental protection, health and human services and the Washington State Methamphetamine Initiative, and the Pierce County Alliance, essentially the epicenter of Washington State's response to methamphetamines. These letters reflect the level and breadth of concern for our law enforcement, drug addiction care providers, the courts and environmental protection agencies.

We have to give a strong signal to the State and local governments that we recognize the meth problems that they are facing, we are committed to support long-term comprehensive strategies to confront the problem, and will assure availability of substantial federal funds to help confront this startlingly rapidly growing problem.

This legislation assures the funding and continuity of Federal support desperately needed by our State and local governments. It assures that States have the opportunity to develop a long-term comprehensive strategy to combat meth, and gives those on the front lines in this battle the flexibility to use the federal dollars as they see fit, consistent with their long-term plan. I urge the Senate to support this bill and plan to work aggressively with the other body to bring it into law as promptly as possible.

Mr. President, I ask unanimous consent that the four letters of support be printed in the RECORD.

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

NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS,
Alexandria, VA, October 6, 2004.

Re Confronting Meth Act of 2004.

Hon. MARIA CANTWELL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CANTWELL: I am writing this letter in support of the Confronting

Meth Act of 2004 on behalf of the entire drug court field and the professionals and clients we serve. As active workers in the areas of treatment, law enforcement and the judiciary, we see the devastation of methamphetamine use. We understand the debilitating effect meth has on its users and the overwhelming impact it has on families and communities. Our members contact us weekly and describe in detail the special challenges that accompany addiction to meth and the additional resources needed to meet these challenges. It is important that communities all over the country have an avenue to address this issue. The Act has the unique ability to equip states with that ability.

The funding formula that is proposed will encourage local solutions to a problem that differs from jurisdiction to jurisdiction. The Act also lends itself to a multi-faceted approach to a pervasive challenge. We wholly support this legislation and pledge the expertise of our organization to its passage and implementation. Thank you for your vision in introducing this important legislation.

Sincerely,

JUDGE KAREN FREEMAN-WILSON (ret.),
Chief Executive Officer.

GRAND LODGE
FRATERNAL ORDER OF POLICE,
Washington, DC, October 6, 2004.

Hon. MARIA CANTWELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CANTWELL: I am writing on behalf of the membership of the Fraternal Order of Police to advise you of our support for legislation you intend to introduce entitled the ''Confronting Methamphetamine Act.''

The bill creates a supplemental grant program at the U.S. Department of Justice for States that develop a comprehensive, long-term plan to address the use, manufacture, and sale of methamphetamines, and has enacted or will enact a law to limit the sale of precursor products that are used to make this dangerous drug. States that meet this criteria will be able to apply for funds to fight the growing problem of methamphetamines and will have discretion as to how to use the funds, be it for community policing, lab seizures and clean up, awareness and prevention, intervention, treatment, and prosecution. The bill authorizes $100 million for the program in fiscal years 2005 and 2006, and then elevates the funding to $200 million for the subsequent three years.

Law enforcement needs additional resources to fight the spread of methamphetamine abuse, and the bill you intend to introduce will do just that. The F.O.P. welcomes the opportunity to work with you and your staff on this legislation. If we can be of any further assistance, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

POLICE EXECUTIVE
RESEARCH FORUM,
October 7, 2004.

Hon. MARIA CANTWELL,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the Police Executive Research Forum (PERF), a national organization of police executive professionals who collectively serve more than 50 percent of the nation's population, I would like to thank you for your continued leadership on law enforcement and public issues. The men and women of law enforcement face tremendous challenges in combating the manufacturing, trafficking, sale, and use of illicit drugs, as well as drug-related violence and crime in our streets, PERF commends your efforts to introduce effective legislation to help provide law enforcement with the resources to reduce the presence of methamphetamine drugs and laboratories across the nation, and to investigate and prosecute the criminals who corrupt our children and endanger our communities.

The Confronting Methamphetamine Act of 2004 presents a comprehensive, cooperative, multi-agency approach to addressing the methamphetamine problem in the United States, and PERF believes this to be the best course of action for achieving long-term solutions. It is crucial to involve federal, state, local, and private entities in this fight, and to supplement that fight with grants that will enable law enforcement, prosecutors, treatment facilities, and community-based organizations to carry out their respective missions effectively.

PERF members see first-hand the ravaging effect that methamphetamine and other illicit drugs have on communities nationwide. They recognize and applaud your efforts to provide them with the resources to attack this problem head-on. If you have any additional questions, please feel free to contact PERF Legislative Director Martha Plotkin at mplotkin@policeforum.org or PERF Legislative Assistant Steve Loyka at sloyka@policeforum.org. I look forward to working with you and your staff on this legislation.

Sincerely,

CHUCK WEXLER,
Executive Director.

STATE OF WASHINGTON,
GOVERNOR'S EXECUTIVE POLICY OFFICE,
Olympia, WA, October 5, 2004.

Senator MARIA CANTWELL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of members of the Governor's Methamphetamine Coordinating Committee, I am writing to thank you for your continued support of Washington's comprehensive strategy to reduce methamphetamine trafficking and use. You have been a champion for funding over five years, and I appreciate your willingness to introduce legislation establishing an ongoing federal grant program for this purpose.

Your proposed ''Confronting Methamphetamines Act'' would help states like Washington implement effective strategies including prevention, law enforcement, treatment, services to affected children and families, and cleanup. It would recognize the need for multi-disciplinary coalitions, local and tribal involvement, and state laws restricting the sale of precursor chemicals. It would provide planning grants to help states develop strategies, as well as larger grants for implementation.

I appreciate the chance to work with your staff in developing this legislation. It deserves broad support among members of Congress from the many states where the methamphetamine epidemic has spread. Our Methamphetamine Coordinating Committee members look forward to working with your office as the bill is considered. Thank you again for your leadership and support.

Sincerely,

RICHARD D. VAN WAGENEN,
Executive Policy Advisor.

PIERCE COUNTY ALLIANCE,
Tacoma, WA, June 17, 2004.

Senator MARIA CANTWELL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the Pierce County Alliance and the Washington State Methamphetamine Initiative, I want to express my sincere appreciation for your outstanding support and efforts to bring about the essential funding that makes our efforts possible. Your work has been crucial to the continuance of the battle to abate the methamphetamine crisis in our state.

Of course, I also fully endorse and support your sponsorship of the ''Confronting Methamphetamines Act of 2004'' that would further assist states like ours to deal with the multi-faceted problems of methamphetamine production, distribution, and use. I am pleased to note that it builds on the model that we have evolved here in Washington State, encompassing a multi-disciplinary approach with broad collaborations at all governmental levels and across all social sectors. Please do not hesitate to contact me if I can be of any assistance in this endeavor.

Again, my thanks to you for your continued leadership and support on this critical issue.

Sincerely,

TERREE SCHMIDT-WHELAN,
Executive Director.

By Mr. ROCKEFELLER:

S. 2935. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. On Monday, the Government Accountability Office (GAO) released a report on the Trade Adjustment Assistance health coverage tax credit, HCTC. The report confirms what many in Congress have been saying since the HCTC program began—the credit is not enough, the program has several barriers to enrollment, the premiums are prohibitively high for some workers because of medical underwriting, and the program is very expensive to administer.

It is long past time for Congress to focus on the problems with the TAA health coverage tax credit. That is why I am introducing legislation today that will make much-needed improvements to the HCTC program. The TAA Health Coverage Improvement Act of 2004 offers solutions to many of the problems with the HCTC identified by GAO. This legislation will go a long way to make the TAA health care tax credit a realistic option for displaced workers and their families.

When Congress passed the Trade Act of 2002, we made a promise to American workers that the potential loss of jobs will not equal the loss of health care coverage. Unfortunately, Congress has failed to make good on that promise. For the last two years, I have heard from steel retirees and widows in my State about how unaffordable the TAA health care tax credit is. And I have been very frustrated, just as I was when this bill passed, that we were not able to make the credit more affordable and accessible for people who need it the most—laid-off workers and retirees who have very limited income.

For a good number of supporters of the Trade Act of 2002, the health insurance tax credit was the single most important factor in overcoming their concerns about giving the President fast-track authority to move trade agreements through Congress. In my own judgment, the fast-track would not have passed Congress without the health care tax credit. The TAA health credit was the trade-off to balance the President's authority.

Yet, the success many of us envisioned for the health care tax credit has not been realized through implementation. The number of people who have been able to access the health care tax credit over the last two years is extremely disappointing. As of July 2004, only 13,194 out of 229,044 who are eligible for the credit are enrolled in the program. That is less than six percent, which means that over 94 percent of those eligible are not participating.

I must say to my colleagues that Congress has had a hand in these disappointing enrollment figures. We have ignored every opportunity to improve the health coverage tax credit and enhance the lives of workers displaced by trade. Most recently, the members of this body voted against the Wyden-Coleman-Rockefeller-Baucus TAA amendment to the FSC/ETI bill. Not only would this amendment have extended Trade Adjustment Assistance to service workers, it also would have addressed some of the problems GAO has identified with the health coverage credit.

The TAA Health Coverage Improvement Act makes long overdue improvements to the TAA health care tax credit. First, this legislation addresses the issue of affordability. In addition to GAO, several consumer advocacy groups and research organizations—including the Commonwealth Fund, the Center on Budget and Policy Priorities, and Families USA—have cited affordability of the credit as the primary reason for low participation in the HCTC program. The bottom line is that a 65 percent subsidy is not enough. With a 65 percent credit, an eligible individual still has to pay an average of $1,714 out-of-pocket per year for single coverage. This figure is particularly astounding given the fact that the average worker, while actively employed and earning a paycheck, paid just $508 in 2003 for single employer-sponsored health insurance coverage. The TAA Health Coverage Improvement Act makes the credit more affordable by increasing the subsidy amount to 95 percent.

This legislation also addresses the issue of affordability by placing limits on the use of the individual market, as Congress intended under the original law. The Trade Act of 2002 specified that the health insurance credit could not be used for the purchase of health insurance coverage in the individual market except for HCTC-eligible workers who previously had a private, non-group coverage policy 30 days prior to separation from employment. However, States have been allowed by this Administration to create state-based coverage options in the individual market for any HCTC beneficiaries, including those who did not have individual market coverage one month prior to separation from employment.

Because of the Administration's interpretation of the law, there are people who had employer-based coverage prior to separation from employment who are now being covered in the individual market. This was not the intent of the law. To make matters worse, this interpretation undermines the consumer protections set forth in the law because individual market plans are allowed to vary premiums based on age and medical status. In one State GAO reviewed for its report, because of medical underwriting, HCTC recipients in less-than-perfect health were charged almost six times the premiums charged to recipients rated in the healthiest category. The legislation I am introducing today addresses this problem by clarifying that states can only designate individual market coverage within guidelines of 30-day restriction and by requiring individual market plans to be community-rated.

Second, this legislation guarantees that eligible workers will have access to comprehensive group health coverage. Group coverage is what people know. The vast majority of laid-off workers and PBGC retirees had employer-sponsored group coverage prior to losing their jobs or pension benefits. The TAA Health Coverage Improvement Act designates the Federal Employees Health Benefit Plan (FEHBP) as a qualified group option in every State, so that displaced workers nationwide will have access to the same type of affordable, comprehensive coverage they were used to when they were employed.

Third, the TAA Health Coverage Act clarifies the three month continuous coverage requirement. Under the original TAA statute, displaced workers are required to maintain three months of continuous health insurance coverage in order to qualify for certain consumer protections. Those protections are guaranteed issue, no preexisting condition exclusion, comparable premiums, and comparable benefits. Congress intended this 3 month period to be counted as the 3 months prior to separation from employment. However, the Administration has interpreted the 3 month requirement as 3 months of health insurance coverage prior to enrollment in the new health plan, which usually is after separation from employment and after certification of TAA eligibility. Many laid-off workers and PBGC recipients cannot afford to maintain health coverage in the months between losing their jobs and TAA certification and, therefore, lose eligibility for the statutorily provided consumer protections. This legislation corrects this problem by clarifying that 3 months of continuous coverage means 3 months prior to separation from employment.

Fourth, this bill allows spouses and dependents to receive the health coverage tax credit. Over the last 2 years, younger spouses and dependents of Medicare-eligible individuals have not been able to receive the subsidy because eligibility runs through the worker or retiree. This technicality is unfair to individuals who rely on health coverage through their spouses or parents. The TAA Health Coverage Improvement Act allows younger spouses and dependent children to retain eligibility for the health coverage tax credit in the event the qualified beneficiary becomes eligible for Medicare.

Finally, this legislation streamlines the HCTC enrollment process and makes it easier for trade-displaced workers to access health insurance coverage. According to GAO, two of the factors contributing to low participation include a complicated and fragmented enrollment process and the inability of workers to pay 100 percent of the premium during the 3 to 6 months they are waiting to enroll in advance payment. This legislation includes a presumptive eligibility provision that allows displaced workers to enroll in a qualified health plan and receive the HCTC immediately upon application to the Department of Labor for certification. There is also a provision which directs the Treasury Secretary to pay 100 percent of the cost of premiums directly to the health plans during the months TAA-eligible workers are waiting for advance payment to begin.

As a former Governor, I know how important Trade Adjustment Assistance is to individuals who have lost their jobs due to trade. In West Virginia, thousands of workers have lost their jobs as a result of trade policy. While adjusting to the loss of employment, these individuals still have to pay mortgages, put food on the table, and care for their families. Finding affordable health care adds a significant burden to their worries. The TAA health coverage tax credit is designed to help American workers retain health insurance coverage during this very difficult transition.

Unfortunately, the HCTC program is not living up to its potential. The Government Accountability Office has given us a very specific diagnosis of the problems. Now, it is up to us to fix them. The TAA Health Coverage Improvement Act builds upon the Trade Act of 2002 and the lessons we have learned since in order to make the health coverage credit workable for eligible individuals and their families. I look forward to working with my colleagues to pass this important legislation.

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

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

S. 2935

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 ''TAA Health Coverage Improvement Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Improvement of the affordability of the credit.
Sec. 3. 100 percent credit and payment for monthly premiums paid prior to certification of eligibility for the credit.
Sec. 4. Eligibility for certain pension plan participants; presumptive eligibility.
Sec. 5. Clarification of 3-month creditable coverage requirement.
Sec. 6. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
Sec. 7. Continued qualification of family members after certain events.
Sec. 8. Offering of Federal group coverage.
Sec. 9. Additional requirements for individual health insurance costs.
Sec. 10. Alignment of COBRA coverage with TAA period for TAA-eligible individuals.
Sec. 11. Notice requirements.
Sec. 12. Annual report on enhanced TAA benefits.
Sec. 13. Extension of national emergency grants.
Sec. 14. Extension of funding for operation of State high risk health insurance pools.

SEC. 2. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''95''.

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''95''.

(b) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

SEC. 3. 100 PERCENT CREDIT AND PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.

(a) IN GENERAL.—Subsection (a) of section 35 of the Internal Revenue Code of 1986, as amended by section 2(a)(1), is amended—

(1) by striking the subsection heading and all that follows through ''In case'' and inserting ''AMOUNT OF CREDIT.—

''(1) IN GENERAL.—In case''; and

(2) by adding at the end the following new paragraph:

''(2) 100 PERCENT CREDIT FOR MONTHS PRIOR TO ISSUANCE OF ELIGIBILITY CERTIFICATE.—The amount allowed as a credit against the tax imposed by subtitle A shall be equal to 100 percent in the case of the taxpayer's first eligible coverage months occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate.''.

(b) PAYMENT FOR PREMIUMS DUE PRIOR TO CERTIFICATION OF ELIGIBILITY FOR THE CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

''(e) PAYMENT FOR PREMIUMS DUE PRIOR TO ISSUANCE OF CERTIFICATE.—The program established under subsection (a) shall provide—

''(1) that the Secretary shall make payments on behalf of a certified individual of an amount equal to 100 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the issuance of a qualified health insurance costs credit eligibility certificate; and

''(2) that any payments made under paragraph (1) shall not be included in the gross income of the taxpayer on whose behalf such payments were made.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 4. ELIGIBILITY FOR CERTAIN PENSION PLAN RECIPIENTS; PRESUMPTIVE ELIGIBILITY.

(a) ELIGIBILITY FOR CERTAIN PENSION PLAN RECIPIENTS.—Subsection (c) of section 35 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting '', and''; and

(C) by adding at the end the following:

''(D) an eligible multiemployer pension participant.''; and

(2) by adding at the end the following new paragraph:

''(5) ELIGIBLE MULTIEMPLOYER PENSION RECIPIENT.—The term 'eligible multiemployer pension recipient' means, with respect to any month, any individual—

''(A) who has attained age 55 as of the first day of such month,

''(B) who is receiving a benefit from a multiemployer plan (as defined in section 3(37)(A) of the Employee Retirement Income Security Act of 1974), and

''(C) whose former employer has withdrawn from such multiemployer plan pursuant to section 4203(a) of such Act.''.

(b) PRESUMPTIVE ELIGIBILITY FOR PETITIONERS FOR TRADE ADJUSTMENT ASSISTANCE.—Subsection (c) of section 35 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(6) PRESUMPTIVE STATUS AS A TAA RECIPIENT.—The term 'eligible individual' shall include any individual who is covered by a petition filed with the Secretary of Labor under section 221 of the Trade Act of 1974. This paragraph shall apply to any individual only with respect to months which—

''(A) end after the date that such petition is so filed, and

''(B) begin before the earlier of—

''(i) the 90th day after the date of filing of such petition, or

''(ii) the date on which the Secretary of Labor makes a final determination with respect to such petition.''.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 7527(d) of such Code is amended by striking ''or an eligible alternative TAA recipient (as defined in section 35(c)(3))'' and inserting '', an eligible alternative TAA recipient (as defined in section 35(c)(3)), an eligible multiemployer pension recipient (as defined in section 35(c)(5), or an individual who is an eligible individual by reason of section 35(c)(6)''.

(2) Section 173(f)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(4)) is amended—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting a comma; and

(C) by inserting after subparagraph (C), the following new subparagraphs:

''(D) an eligible multiemployer pension recipient (as defined in section 35(c)(5) of the Internal Revenue Code of 1986), and

''(E) an individual who is an eligible individual by reason of section 35(c)(6) of the Internal Revenue Code of 1986.''.

(d) TECHNICAL AMENDMENT CLARIFYING ELIGIBILITY OF CERTAIN DISPLACED WORKERS RECEIVING A BENEFIT UNDER A DEFINED BENEFIT PENSION PLAN.—The first sentence of section 35(c)(2) of the Internal Revenue Code of 1986 is amended by inserting before the period the following: '', and shall include any such individual who would be eligible to receive such an allowance but for the fact that the individual is receiving a benefit under a defined benefit plan (as defined in section 3(35) of the Employee Retirement Income Security Act of 1974).''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 5. CLARIFICATION OF 3-MONTH CREDITABLE COVERAGE REQUIREMENT.

(a) IN GENERAL.—Clause (i) of section 35(e)(2)(B) of the Internal Revenue Code of 1986 (defining qualifying individual) is amended by inserting ''(prior to the employment separation necessary to attain the status of an eligible individual)'' after ''9801(c)''.

(b) CONFORMING AMENDMENT.—Section 173(f)(2)(B)(ii)(I) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(B)(ii)(I)) is amended by inserting ''(prior to the employment separation necessary to attain the status of an eligible individual)'' after ''1986''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 6. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4)(C).''.

(b) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section

7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4)(C).''.

(c) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

''(D) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the postmark date of the notice by the Secretary (or by any person or entity designated by the Secretary) that the individual is eligible for a qualified health insurance costs credit eligibility certificate for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 7. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual (but not with respect to such eligible individual).

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for the death of such individual, such month shall be treated as an eligible coverage month with respect to any qualifying family of such eligible individual.''.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

''(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual (but not with respect to such eligible individual).

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which would be an eligible coverage month with respect to an eligible individual but for the death of such individual, such month shall be treated as an eligible coverage month with respect to any qualifying family of such eligible individual.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 8. OFFERING OF FEDERAL GROUP COVERAGE.

(a) PROVISION OF GROUP COVERAGE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall establish a program under which eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) are offered enrollment under health benefit plans that are made available under FEHBP.

(2) TERMS AND CONDITIONS.—The terms and conditions of health benefits plans offered under paragraph (1) shall be the same as the terms and coverage offered under FEHBP, except that the percentage of the premium charged to eligible individuals (as so defined) for such health benefit plans shall be equal to 5 percent.

(3) STUDY.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall conduct a study of the impact of the offering of health benefit plans under this subsection on the terms and conditions, including premiums, for health benefit plans offered under FEHBP and shall submit to Congress, not later than 2 years after the date of the enactment of this Act, a report on such study. Such report may contain such recommendations regarding the establishment of separate risk pools for individuals covered under FEHBP and eligible individuals covered under health benefit plans offered under paragraph (1) as may be appropriate to protect the interests of individuals covered under FEHBP and alleviate any adverse impact on FEHBP that may result from the offering of such health benefit plans.

(4) FEHBP DEFINED.—In this section, the term ''FEHBP'' means the Federal Employees Health Benefits Program offered under chapter 89 of title 5, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) Coverage under a health benefits plan offered under section 8(a)(1) of the TAA Health Care Tax Credit Improvement Act of 2004.''.

(2) Section 173(f)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(A)) is amended by adding at the end the following new clause:

''(xi) Coverage under a health benefits plan offered under section 8(a)(1) of the TAA Health Care Tax Credit Improvement Act of 2004.''.

SEC. 9. ADDITIONAL REQUIREMENTS FOR INDIVIDUAL HEALTH INSURANCE COSTS.

(a) IN GENERAL.—Subparagraph (A) of section 35(e)(2) of such Code is amended by striking ''subparagraphs (B) through (H) of paragraph (1)'' and inserting ''paragraph (1) (other than subparagraphs (A), (I), and (K) thereof)''.

(b) RATING SYSTEM REQUIREMENT.—Subparagraph (J) of section 35(e)(1) of such Code is amended by adding at the end the following: ''For purposes of this subparagraph and clauses (ii), (iii), and (iv) of subparagraph (F), such term does not include any insurance unless the premiums for such insurance are restricted based on a community rating system (determined other than on the basis of age).''.

(c) CLARIFICATION OF CONGRESSIONAL INTENT TO LIMIT USE OF INDIVIDUAL HEALTH INSURANCE COVERAGE OPTION.—Section 35(e)(1)(J) (relating to qualified health insurance) is amended in the matter preceding clause (i), by inserting '', but only'' after ''under individual health insurance''.

(d) CONFORMING AMENDMENTS.—Section 173(f)(2) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)) is amended—

(1) in subparagraph (A)(x), by adding at the end the following: ''Such term does not include any insurance unless the premiums for such insurance are restricted based on a community rating system (determined other than on the basis of age).''; and

(2) in subparagraph (B)—

(A) in the matter preceding subclause (I), by inserting '', but only'' after ''under individual health insurance''; and

(B) in clause (i), by striking ''clauses (ii) through (viii) of subparagraph (A)'' and inserting ''subparagraph (A) (other than clauses (i), (x), and (xi) thereof)''.

SEC. 10. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under section 602(2)(A) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

(b) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in clause (ii)—

(A) in the clause heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under paragraph (2)(B)(i) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT'';

(B) by striking ''and shall'' and inserting '', shall''; and

(C) by inserting '', and in no event shall the maximum period required under section 2202(2)(A) be less than the period during which the individual is a TAA-eligible individual'' before the period at the end.

SEC. 11. NOTICE REQUIREMENTS.

Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals), as amended by section 3(b), is

amended by adding at the end the following new subsection:

''(f) INCLUSION OF CERTAIN INFORMATION.—The notice by the Secretary (or by any person or entity designated by the Secretary) that an individual is eligible for a qualified health insurance costs credit eligibility certificate shall include—

''(1) the name, address, and telephone number of the State office or offices responsible for determining that the individual is eligible for such certificate and for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

''(2) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides, and

''(3) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the postmark date of such notice to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).''.

SEC. 12. ANNUAL REPORT ON ENHANCED TAA BENEFITS.

Not later than October 1 of each year (beginning in 2004) the Secretary of the Treasury, after consultation with the Secretary of Labor, shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and the Workforce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) The total number of participants utilizing the health insurance tax credit under section 35 of the Internal Revenue Code of 1986, including a measurement of such participants identified—

(A) by State, and

(B) by coverage under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code) and by non-COBRA coverage (further identified by group and individual market).

(2) The range of monthly health insurance premiums offered and the average and median monthly health insurance premiums offered to TAA-eligible individuals (as defined in section 4980B(f)(5)(C)(iv)(II) of such Code) under COBRA continuation provisions (as defined in section 9832(d)(1) of such Code), State-based continuation coverage provided under a State law that requires such coverage, and each category of coverage described in section 35(e)(1) of such Code, identified by State and by the actuarial value of such coverage and the specific benefits provided and cost-sharing imposed under such coverage.

(3) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) and the time necessary for application approval of such grants.

(4) The cost of administering the health credit program under section 35 of such Code, by function, including the cost of subcontractors.

SEC. 13. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) shall be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (iv) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraph (C), (D), (E), or (F)(i) of section 35(e)(1) of the Internal Revenue Code of 1986, or, only if the coverage is under a group health plan, the coverage described in subparagraph (F)(ii), (F)(iii), (F)(iv), (G), or (H) of such section, as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

''(iv) BRIDGE FUNDING.—To assist potentially eligible individuals purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

''(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).''; and

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

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $300,000,000 for the period of fiscal years 2005 through 2007; and''.

(c) REPORT REGARDING FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following new paragraph:

''(8) REPORT FOR FAILURE TO COMPLY WITH REQUIREMENTS FOR EXPEDITED APPROVAL PROCEDURES.—If the Secretary fails to make the notification required under clause (i) of paragraph (3)(A) within the 15-day period required under that clause, or fails to provide the technical assistance required under clause (ii) of such paragraph within a timely manner so that a State or entity may submit an approved application within 2 months of the date on which the State or entity's previous application was disapproved, the Secretary shall submit a report to Congress explaining such failure.''.

(d) TECHNICAL AMENDMENT.—Effective as if included in the enactment of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 933), subsection (f) of section 203 of that Act is repealed.

SEC. 14. EXTENSION OF FUNDING FOR OPERATION OF STATE HIGH RISK HEALTH INSURANCE POOLS.

(a) EXTENSION OF SEED GRANTS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (a), in the subsection heading by inserting ''EXTENSION OF'' before ''SEED''; and

(2) in subsection (c)(1), by striking ''$20,000,000'' and all that follows through ''2003'' and inserting ''$15,000,000 for the period of fiscal years 2005 and 2006''.

(b) FUNDS FOR OPERATIONS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (b)—

(A) in the subsection heading by striking ''MATCHING''; and

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

''(2) ALLOTMENT.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States (or the entities that operate the high risk pool under applicable State law) as follows:

''(A) An amount equal to 50 percent of the appropriated amount for the fiscal year shall be allocated in equal amounts among each eligible State that applies for assistance under this subsection.

''(B) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of uninsured individuals in the State

bears to the total number of uninsured individuals in all States (as determined by the Secretary).

''(C) An amount equal to 25 percent of the appropriated amount for the fiscal year shall be allocated among the States so that the amount provided to a State bears the same ratio to such available amount as the number of individuals enrolled in health care coverage through the qualified high risk pool of the State bears to the total number of individuals so enrolled through qualified high risk pools in all States (as determined by the Secretary).''; and

(2) in subsection (c)(2), by striking ''$40,000,000'' and all that follows through the period and inserting ''$75,000,000 for each of fiscal years 2005 through 2009 to make allotments under subsection (b)(2).''.

(c) DEFINITIONS.—Section 2745 of the Public Health Service Act (42 U.S.C. 300gg–45) is amended—

(1) in subsection (d), by inserting after ''2744(c)(2)'' the following: '', except that with respect to subparagraph (A) of such section a State may elect to provide for the enrollment of eligible individuals through an acceptable alternative mechanism,''; and

(2) by adding at the end the following new subsection:

''(e) STANDARD RISK RATE.—In subsection (b)(1)(A), the term 'standard risk rate' means a rate—

''(1) determined under the State high risk pool by considering the premium rates charged by other health insurers offering health insurance coverage to individuals in the insurance market served;

''(2) that is established using reasonable actuarial techniques; and

''(3) that reflects anticipated claims experience and expenses for the coverage involved.''.

By Mr. CAMPBELL:

S. 2936. A bill to restore land to the Enterprise Rancheria to rectify an inequitable taking of the land; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Enterprise Rancheria Land Restoration Act of 2004, a bill that would restore lands to the Enterprise Rancheria, a Federally recognized Indian tribe. The tribe seeks this restoration to rectify an inequitable taking of their lands for the Oroville Dam in 1964.

I am introducing this bill, at the request of the tribe, primarily to initiate a discussion regarding the tribe's efforts to obtain an equitable resolution among all the interested parties, including the tribe, local communities, and the tribe's congressional delegation.

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

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

S. 2936

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enterprise Rancheria Land Restoration Act of 2004''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Enterprise Rancheria is 1 of several Federally recognized tribes of Maidu Indians in the State of California that function under a government-to-government relationship with the Federal Government;

(2) the Maidu people lived for thousands of years along the watershed of the Feather River drainage area in north central California, near what is now known as the Sacramento Valley floor, and near the confluence of the south, middle, north, and west branches of the Feather River;

(3) in 1916, pursuant to section 3 of the Act of August 1, 1914 (38 Stat. 589, chapter 222), and other Federal laws relating to homeless Indians, a parcel of land comprising approximately 40.64 acres was purchased for Enterprise Rancheria;

(4) in 1915, the Secretary of the Interior developed a census of approximately 51 Maidu Indians, which is now used for the purpose of establishing the base membership roll for the Enterprise Rancheria;

(5) Enterprise Rancheria has been continuously federally recognized since 1915 and was again recognized by virtue of voting in an election on June 12, 1935, pursuant to section 19 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (48 Stat. 984, chapter 576);

(6) Enterprise Rancheria has a constitution recognized by the Bureau of Indian Affairs, a functioning governing body, and approximately 664 enrolled members;

(7) on August 20, 1964, Public Law 88–453 was enacted, which authorized the Secretary of the Interior to sell Enterprise Rancheria No. 2 parcel to the State of California for the approximate sum of $12,196, for the sole purpose of construction of Oroville Dam;

(8) the State of California requested the law described in paragraph (7) because Enterprise Rancheria No. 2 parcel would be within the reservoir area of the Oroville Dam, an important element of the California water plan;

(9) as a result of Public Law 88-453, Enterprise Rancheria No. 2 parcel is nearly all under water within the reservoir of the Oroville Dam;

(10) pursuant to Public Law 88–453, $11,175 was paid as consideration for the 40.46 acres of Enterprise Rancheria No. 2 parcel, along with $1,020 for appraised personal property, for a total purchase price of $12,196.00;

(11) the payment was distributed to 4 individuals, Henry B. Martin, Vera Martin Kiras, Stanley Martin, and Ralph G. Martin, who received a pro rata share of the proceeds;

(12) the remaining heirs and members of the Tribe received no compensation for the sale of the land;

(13) subsequent to the sale of the Enterprise Rancheria No. 2 parcel, the Enterprise Rancheria members, having lost their homes, community, and traditional homeland, were forced to scatter throughout the surrounding foothill communities and the Sacramento Valley area, which has caused a continuing decay of their culture, language, and traditions;

(14) recognizing that the final resolution of any equitable compensation claims based on the inequitable taking of Enterprise Rancheria No. 2 parcel will take many years and entail great expense to all parties, rectifying the loss of the Enterprise Rancheria is imperative at this time;

(15) the uncertainty as to the availability of Enterprise Rancheria land taken in 1964 should be settled as soon as practicable to avoid further damage to the long-term economic, social, cultural planning, and development of the Enterprise Rancheria;

(16) to advance and fulfill the goals of Federal Indian policy and the responsibility of the United States to protect the land base and members of Enterprise Rancheria, it is appropriate that the United States participate in the implementation of restoring the land in accordance with this Act; and

(17) this Act settles all claims Enterprise Rancheria may have regarding any equitable compensation based on the taking of the original Enterprise Rancheria No. 2 parcel in 1964.

(b) PURPOSES.—The purposes of this Act are—

(1) to rectify an inequitable taking of land owned by Enterprise Rancheria, specifically that parcel known as Enterprise Rancheria No. 2 parcel, which comprised approximately 40.64 acres, in a manner that is consistent with the trust responsibility of the United States toward Federally recognized Indian tribes;

(2) to restore land to the Enterprise Rancheria and improve the socioeconomic, cultural, and traditional aspects of the Maidu people of the Enterprise Rancheria, through land that can be used for economic development to improve the social, cultural, governmental, educational, health, and general welfare of Enterprise Rancheria and members of the Enterprise Rancheria; and

(3) to require that land not to exceed 41 acres acquired by Enterprise Rancheria within the 40-mile radius of Enterprise Rancheria No. 2 parcel and within the Estom Yumeka Maidu aboriginal boundaries, if approved for trust status pursuant to part 151 of title 25, Code of Federal Regulations (or a successor regulation), be treated for all legal purposes as the restoration of land for an Indian tribe that is restored to Federal recognition.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABORIGINAL BOUNDARIES.—The term ''aboriginal boundaries'' means the boundaries of the land occupied and possessed by the Maidu people prior to conquest, as a defined area of what is now California, designated as the land near and around the confluence of the Feather River within the Sacramento Valley.

(2) ACQUIRED LAND.—The term ''acquired land'' means that land purchased on or after the date of enactment of this Act to restore land taken from the Enterprise Rancheria for the State of California, pursuant to Public Law 88–453.

(3) ENTERPRISE RANCHERIA.—The term ''Enterprise Rancheria'' means the Rancheria Tribe that was federally recognized on April 20, 1915, with a governing constitution, approved April 12, 1995.

(4) ENTERPRISE RANCHERIA NO. 2 PARCEL.—The term ''Enterprise Rancheria No. 2 parcel'' means the original 40.64 acre land base parcel belonging to the Maidu Indians that was established and purchased by the United States and placed in trust status for the homeless Maidu people in the area of the parcel.

(5) FEATHER RIVER DRAINAGE AREA.—The term ''Feather River drainage area'' means the area near and around the confluence of the south, middle, north, and west branches of the Feather River and drainage area below the confluence.

(6) RANCHERIA ACT.—The term ''Rancheria Act'' means Public Law 85-671 (commonly known as the ''California Rancheria Act''), which terminated 38 California Rancherias.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(8) TRUST STATUS.—The term ''trust status'' means the status of land, the title of which is held by the United States on behalf and for the beneficial use of recognized Indian tribes in accordance with part 151 of title 25, Code of Federal Regulations (or a successor regulation).

SEC. 4. PLACEMENT OF ACQUIRED LAND IN TRUST STATUS.

The Secretary may place into trust status not to exceed 41 acres of land of the Enterprise Rancheria, if the land is approved for trust status.

SEC. 5. REPLACEMENT LAND.

(a) PURCHASE.—To restore the Enterprise Rancheria No. 2 parcel, the Enterprise Rancheria may purchase not to exceed 41 acres of replacement land within the 40-mile radius of Enterprise Rancheria No. 2 parcel and within the aboriginal boundaries of the Estom Yumeka Maidu.

(b) TRUST STATUS.—The Secretary may place the replacement land into trust status, the title to which shall be held in trust by the United States for the benefit of Enterprise Rancheria, if all Federal requirements of placing the land into trust status are satisfied.

(c) TREATMENT OF REPLACEMENT LAND.—The acquisition of land under subsection (a) shall be treated as the restoration of land for an Indian tribe that is recognized by the Federal Government.

SEC. 6. EFFECT ON TRUST STATUS.

This Act does not limit the authority of the Secretary to approve or deny any land application for trust status.

SEC. 7. FULL SATISFACTION OF CLAIMS.

On the placement of the land described in section 5 into trust status, the Enterprise Rancheria shall be considered to have relinquished all equitable compensation claims the Enterprise Rancheria may have against the United States and the State of California arising from the sale of Enterprise Rancheria No. 2 parcel.

By Mr. DURBIN (for himself and Mr. REED):

S. 2937. A bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, today I rise with my colleague, Senator JACK REED, to introduce the Services for Ending Long-Term Homelessness Act. I would like to thank Senator REED for his support in introducing this bill. I appreciate his dedication and commitment to this issue.

The chronically homeless are about 10 percent of the entire homeless population, but consume a majority of the services. There are approximately 200,000 to 250,000 people who experience chronic homelessness. Those numbers include the heads of families, as well.

Tragically, for these individuals, the periods of homelessness are measured in years—not weeks and months. They tend to have disabling health and behavioral health problems: 40 percent have substance abuse disorders, 25 percent have a physical disability, and 20 percent have serious mental illness. These factors often contribute to a person becoming homeless, in the first place, and are certainly an impediment to overcoming it.

The President has set a goal of ending chronic homelessness in 10 years. The President's New Freedom Commission on Mental Health, chaired by the Ohio Department of Mental Health Director, Mike Hogan, recommended that a comprehensive program be created to facilitate access to permanent supportive housing for individuals and families who are chronically homeless. This recommendation is so important because affordable housing, alone, is not enough for this hard to reach group. And, temporary shelter-housing does not provide the stability and services needed to provide long-term positive outcomes. Only supportive housing, where the chronically homeless can receive shelter and services, such as mental health and substance abuse treatment, has been effective in decreasing their chances of returning to the streets and increasing their chances for leading productive lives.

Not only is it right to help this group of hard to reach individuals, but it is also fiscally responsible. This group is one of the most expensive groups to serve. As I mentioned previously, they represent 10 percent of the overall homeless population, however they consume a majority of the services for the homeless. They consume the most emergency housing and health care services, which are also the most costly to provide. By encouraging supportive housing, we are providing the services necessary for these individuals and families to really get back on their feet. We can either continue to provide expensive emergency services to these needy people or we can give them the right kind of help—the type of help they need for their long-term well-being and long-term well-being of our communities.

Unfortunately, current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development (HUD), were not designed to be coordinated with housing programs. These programs were also not designed to meet the challenging needs of this specific subgroup of the homeless. That is why the bill we are introducing today would provide the authorization to fund services to the chronically homeless in supportive housing by providing grants which can be used with existing programs through HUD and State and local communities.

This bill also would encourage those who provide services to the chronically homeless, such as SAMHSA within the Department of Health and Human Services, to work with and coordinate their efforts with those who provide the physical housing, such as HUD. Under the current administration, these two departments have started to truly coordinate their efforts and this bill would encourage and support that continued collaboration.

This is a good bill, and it could make a real difference in the lives of so many individuals in need. I ask my colleagues to join us in support.

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

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

S. 2937

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Services for Ending Long-Term Homelessness Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nationally, there are approximately 200,000 to 250,000 people who experience chronic homelessness, including some families with children. Chronically homeless people often live in shelters or on the streets for years at a time, experience repeated episodes of homelessness without achieving housing stability, or cycle between homelessness, jails, mental health facilities, and hospitals.

(2) The President's New Freedom Commission on Mental Health recommended the development and implementation of a comprehensive plan designed to facilitate access to 150,000 units of permanent supportive housing for consumers and families who are chronically homeless. The Commission found that affordable housing alone is insufficient for many people with severe mental illness, and that flexible, mobile, individualized support services are also necessary to support and sustain consumers in their housing.

(3) Congress and the President have set a goal of ending chronic homelessness in 10 years.

(4) Permanent supportive housing is a proven and cost effective solution to chronic homelessness. A recent study by the University of Pennsylvania found that each unit of supportive housing for homeless people with mental illness in New York City resulted in public savings of $16,281 per year in systems of care such as mental health, human services, health care, veterans' affairs, and corrections.

(5) Current programs for funding services in permanent supportive housing, other than those administered by the Department of Housing and Urban Development, were not designed to be closely coordinated with housing resources, nor were they designed to meet the multiple needs of people who are chronically homeless.

SEC. 3. DUTIES OF ADMINISTRATOR OF SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

Section 501(d) of the Public Health Service Act (42 U.S.C. 290aa(d)) is amended—

(1) in paragraph (17), by striking ''and'' at the end;

(2) in paragraph (18), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(19) collaborate with Federal departments and programs that are part of the President's Interagency Council on Homelessness, particularly the Department of Housing and Urban Development, the Department of Labor, and the Department of Veterans Affairs, and with other agencies within the Department of Health and Human Services, particularly the Health Resources and Services Administration, the Administration on Children and Families, and the Centers for Medicare and Medicaid Services, to design national strategies for providing services in supportive housing that will assist in ending chronic homelessness and to implement programs that address chronic homelessness.''.

SEC. 4. GRANTS FOR SERVICES FOR CHRONICALLY HOMELESS INDIVIDUALS IN SUPPORTIVE HOUSING.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"PART J—GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS

"SEC. 596. GRANTS FOR SERVICES TO END CHRONIC HOMELESSNESS.

''(a) IN GENERAL.—

''(1) GRANTS.—The Secretary shall make grants to entities described in paragraph (2) for the purpose of carrying out projects to provide the services described in subsection (c) to chronically homeless individuals in permanent supportive housing.

''(2) ELIGIBLE ENTITIES.—For purposes of paragraph (1), an entity described in this paragraph is—

''(A) a State or political subdivision of a State, an Indian tribe or tribal organization, or a public or nonprofit private entity, including a community-based provider of homelessness services, health care, housing, or other services important to individuals experiencing chronic homelessness; or

''(B) a consortium composed of entities described in subparagraph (A), which consortium includes a public or nonprofit private entity that serves as the lead applicant and has responsibility for coordinating the activities of the consortium.

''(b) PRIORITIES.—In making grants under subsection (a), the Secretary shall give priority to applicants demonstrating that the applicants—

''(1) target funds to individuals or families who—

''(A) have been homeless for longer periods of time or have experienced more episodes of homelessness than are required to meet the definition of chronic homelessness under this section;

''(B) have high rates of utilization of emergency public systems of care; or

''(C) have a history of interactions with law enforcement and the criminal justice system;

''(2) have greater funding commitments from State or local government agencies responsible for overseeing mental health treatment, substance abuse treatment, medical care, and employment (including commitments to provide Federal funds in accordance with subsection (d)(2)(B)(ii)); and

''(3) will provide for an increase in the number of units of permanent supportive housing that would serve chronically homeless individuals in the community as a result of an award of a grant under subsection (a).

''(c) SERVICES.—The services referred to in subsection (a) are the following:

''(1) Services provided by the grantee or by qualified subcontractors that promote recovery and self-sufficiency and address barriers to housing stability, including but not limited to the following:

''(A) Mental health services, including treatment and recovery support services.

''(B) Substance abuse treatment and recovery support services, including counseling, treatment planning, recovery coaching, and relapse prevention.

''(C) Integrated, coordinated treatment and recovery support services for co-occurring disorders.

''(D) Health education, including referrals for medical and dental care.

''(E) Services designed to help individuals make progress toward self-sufficiency and recovery, including benefits advocacy, money management, life-skills training, self-help programs, and engagement and motivational interventions.

''(F) Parental skills and family support.

''(G) Case management.

''(H) Other supportive services that promote an end to chronic homelessness.

''(2) Services, as described in paragraph (1), that are delivered to individuals and families who are chronically homeless and who are scheduled to become residents of permanent supportive housing within 90 days pending the location or development of an appropriate unit of housing.

''(3) For individuals and families who are otherwise eligible, and who have voluntarily chosen to seek other housing opportunities after a period of tenancy in supportive housing, services, as described in paragraph (1), that are delivered, for a period of 90 days after exiting permanent supportive housing or until the individuals have transitioned to comprehensive services adequate to meet their current needs, provided that the purpose of the services is to support the individuals in their choice to transition into housing that is responsive to their individual needs and preferences.

''(d) MATCHING FUNDS.—

''(1) IN GENERAL.—A condition for the receipt of a grant under subsection (a) is that, with respect to the cost of the project to be carried out by an applicant pursuant to such subsection, the applicant agree as follows:

''(A) In the case of the initial grant pursuant to subsection (i)(1)(A), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than $1 for each $3 of Federal funds provided in the grant.

''(B) In the case of a renewal grant pursuant to subsection (i)(1)(B), the applicant will, in accordance with paragraphs (2) and (3), make available contributions toward such costs in an amount that is not less than $1 for each $1 of Federal funds provided in the grant.

''(2) SOURCE OF CONTRIBUTION.—For purposes of paragraph (1), contributions made by an applicant are in accordance with this paragraph if made as follows:

''(A) The contribution is made from funds of the applicant or from donations from public or private entities.

''(B) Of the contribution—

''(i) not less than 80 percent is from non-Federal funds; and

''(ii) not more than 20 percent is from Federal funds provided under programs that—

''(I) are not expressly directed at services for homeless individuals, but whose purposes are broad enough to include the provision of a service or services described in subsection (c) as authorized expenditures under such program; and

''(II) do not prohibit Federal funds under the program from being used to provide a contribution that is required as a condition for obtaining Federal funds.

''(3) DETERMINATION OF AMOUNT CONTRIBUTED.—Contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of non-Federal contributions required in paragraph (2)(B)(i).

''(e) ADMINISTRATIVE EXPENSES.—A condition for the receipt of a grant under subsection (a) is that the applicant involved agree that not more than 6 percent of the grant will be expended for administrative expenses with respect to the grant.

''(f) CERTAIN USES OF FUNDS.—Notwithstanding other provisions of this section, a grantee under subsection (a) may expend not more than 20 percent of the grant to provide the services described in subsection (c) to homeless individuals who are not chronically homeless.

''(g) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

''(h) CERTAIN REQUIREMENTS.—A condition for the receipt of a grant under subsection (a) is that the applicant involved demonstrate the following:

''(1) The applicant and all direct providers of services have the experience, infrastructure, and expertise needed to ensure the quality and effectiveness of services, which may be demonstrated by any of the following:

''(A) Compliance with all local, city, county, or State requirements for licensing, accreditation, or certification (if any) which are applicable to the proposed project.

''(B) A minimum of two years experience providing comparable services that do not require licensing, accreditation, or certification.

''(C) Certification as a Medicaid service provider, including health care for the homeless programs and community health centers.

''(D) An executed agreement with a relevant State or local government agency that will provide oversight over the mental health, substance abuse, or other services that will be delivered by the project.

''(2) There is a mechanism for determining whether residents are chronically homeless. Such a mechanism may rely on local data systems or records of shelter admission. If there are no sources of data regarding the duration or number of homeless episodes, or if such data are unreliable for the purposes of this subsection, an applicant must demonstrate that the project will implement appropriate procedures, taking into consideration the capacity of local homeless service providers to document episodes of homelessness and the challenges of engaging persons who have been chronically homeless, to verify that an individual or family meets the definition for being chronically homeless under this section.

''(3) The applicant participates in a local, regional, or statewide homeless management information system.

''(i) DURATION OF INITIAL AND RENEWAL GRANTS; ADDITIONAL PROVISIONS REGARDING RENEWAL GRANTS.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), the period during which payments are made to a grantee under subsection (a) shall be in accordance with the following:

''(A) In the case of the initial grant, the period of payments shall be not less than three years and not more than five years.

''(B) In the case of a subsequent grant (referred to in this subsection as a 'renewal grant'), the period of payments shall be not more than five years.

''(2) ANNUAL APPROVAL; AVAILABILITY OF APPROPRIATIONS; NUMBER OF GRANTS.—The provision of payments under an initial or renewal grant is subject to annual approval by the Secretary of the payments and to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed as establishing a limitation on the number of grants under subsection (a) that may be made to an entity.

''(3) ADDITIONAL PROVISIONS REGARDING RENEWAL GRANTS.—

''(A) PRIORITY IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give priority to renewal grants.

''(B) COMPLIANCE WITH MINIMUM STANDARDS.—A renewal grant may be made by the Secretary only if the Secretary determines that the applicant involved has, in the project carried out with the grant, maintained compliance with minimum standards for quality and successful outcomes for housing retention, as determined by the Secretary.

''(C) AMOUNT.—The maximum amount of a renewal grant under this subsection shall not exceed an amount equal to—

''(i) 75 percent of the amount of Federal funds provided in the final year of the initial grant period; or

''(ii) 50 percent of the total costs of sustaining the program funded under the grant at the level provided for in the year preceding the year for which the renewal grant is being awarded;

as determined by the Secretary.

''(j) STRATEGIC PERFORMANCE OUTCOMES AND REPORTS.—

''(1) IN GENERAL.—The Secretary shall, as a condition of the receipt of grants under subsection (a), require grantees to report data regarding the performance outcomes of the projects carried out pursuant to such subsection. Consistent with the requirement of the preceding sentence, each applicant shall measure and report specific performance outcomes related to the long-term goals of increasing stability within the community for individuals who have been chronically homeless, and decreasing recurrence of periods of homelessness.

''(2) PERFORMANCE OUTCOMES.—The performance outcomes identified by a grantee under paragraph (1) shall include, with respect to individuals who have been chronically homeless, improvements in—

''(A) housing stability;

''(B) employment and education;

''(C) problems related to substance abuse;

''(D) participation in mental health services; and

''(E) other areas as the Secretary determines appropriate.

''(3) COORDINATION AND CONSISTENCY WITH OTHER HOMELESS ASSISTANCE PROGRAMS.—

''(A) PROCEDURES.—In establishing strategic performance outcomes and reporting requirements under paragraph (1), the Secretary shall develop and implement procedures that minimize the costs and burdens to grantees and program participants, and that are practical, streamlined, and designed for consistency with the requirements of the homeless assistance programs administered by the Secretary of Housing and Urban Development.

''(B) APPLICANT COORDINATION.—Applicants under this section shall coordinate with community stakeholders, including participants in the local homeless management information system, concerning the development of systems to measure performance outcomes and with the Secretary for assistance with data collection and measurements activities.

''(4) REPORT.—A grantee shall submit an annual report to the Secretary that—

''(A) identifies the grantee's progress towards achieving its strategic performance outcomes; and

''(B) describes other activities conducted by the grantee to increase the participation, housing stability, and other improvements in outcomes for individuals who have been chronically homeless.

''(k) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary, directly or through awards of grants or contracts to public or nonprofit private entities, shall provide training and technical assistance regarding the planning, development, and provision of services in projects under subsection (a).

''(l) BIENNIAL REPORTS TO CONGRESS.—Not later than two years after the date of the enactment of the Services for Ending Long-Term Homelessness Act, and biennially thereafter, the Secretary shall submit to the Congress a report on projects under subsection (a) that includes a summary of information received by the Secretary under subsection (j), and that describes the impact of the program under subsection (a) as part of a comprehensive strategy for ending long term homelessness and improving outcomes for individuals with mental illness and substance abuse problems.

''(m) DEFINITIONS.—For purposes of this section:

''(1) The term 'chronically homeless' means an individual or family who—

''(A) is currently homeless;

''(B) has been homeless continuously for at least one year or has been homeless on at least four separate occasions in the last three years; and

''(C) has an adult head of household with a disabling condition, defined as a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.

''(2) The term 'disabling condition' means a condition that limits an individual's ability to work or perform one or more activities of daily living.

''(3) The term 'homeless' means sleeping in a place not meant for human habitation or in an emergency homeless shelter.

''(4)(A) The term 'permanent supportive housing' means permanent, affordable housing with flexible support services that are available and designed to help the tenants stay housed and build the necessary skills to live as independently as possible. Such term does not include housing that is time-limited. Supportive housing offers residents assistance in reaching their full potential, which may include opportunities to secure other housing that meets their needs and preferences, based on individual choice instead of the requirements of time-limited transitional programs. Under this section, permanent affordable housing includes but is not limited to permanent housing funded or assisted through title IV of the McKinney-Vento Homeless Assistance Act and section (8) of the United States Housing Act of 1937.

''(B) For purposes of subparagraph (A), the term 'affordable' means within the financial means of individuals who are extremely low income, as defined by the Secretary of Housing and Urban Development.

''(n) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2005 through 2009.

''(2) ALLOCATION FOR TRAINING AND TECHNICAL ASSISTANCE.—Of the amount appropriated under paragraph (1) for a fiscal year, the Secretary may reserve not more than 3 percent for carrying out subsection (k).''.

Mr. REED. Mr. President, I am proud to join my colleague from Ohio, the Chairman of the Substance Abuse and Mental Health Subcommittee of the Senate HELP Committee, to introduce a bill that we believe will bring us closer to helping people who experience chronic homelessness get off the streets, out of shelters and into permanent housing. The Services for Ending Long-Term Homelessness Act (SELHA) will help local communities provide health care, mental health and substance abuse services in conjunction with safe, decent and affordable housing. This bill is another essential component in the continuum of housing and supportive service programs geared towards people who have become homeless in our society.

Nationwide, as many as 3.5 million people experience homelessness every year. Between 200,000 and 250,000 of them—including at least 12,000 children—experience chronic homelessness. They live on the streets and in emergency shelters for years on end or cycle between homelessness, jails, emergency rooms, and other institutions. Many also confront mental illness, substance addiction or other serious chronic health conditions. Moreover, because they don't get appropriate and regular care, these people exact a substantial toll on our public health systems.

The legislation the Senior Senator from Ohio and I are proposing today would authorize funding for grants to state and local entities to offer services to individuals and families in supportive housing to help bring them out of the downward spiral of homelessness and onto the road to recovery and self-sufficiency. Permanent supportive housing combines safe, decent and affordable housing with needed services such as mental health, substance abuse, employment, health care, and other services.

Research indicates that supportive housing represents a cost-effective investment toward the goal of ending long-term homelessness. In one California supportive housing program, residents experienced a 57 percent decline in emergency room visits, a 58 percent decline in the number of inpatient hospital days, and a near elimination of their need for residential mental-health facilities. A study in New York City found that each unit of supportive housing saved $16,282 per person per year in public expenditures for emergency care, court and jail costs, and other public services. After deducting the public benefits, the average supportive housing unit in New York City cost only $995 per year. In other words, it costs little more to house and offer supportive services to people than it does to leave them homeless.

These remarkable findings have led the bipartisan Millennial Housing Commission, the President's New Freedom Mental Health Commission, the U.S. Conference of Mayors and the National League of Cities to endorse the goal of creating 150,000 units of permanent supportive housing.

As the Ranking Member of the Senate Subcommittee on Housing of the Senate Banking Committee, I am deeply interested in tackling the challenge of homelessness on several fronts. I have been working on a bill to reauthorize the McKinney-Vento Homeless Assistance Act. My legislation would realign the incentives behind HUD's homelessness assistance programs, while more funding would flow to communities that actually demonstrate a commitment to accomplishing the goals of preventing and ending homelessness. It would also simplify and consolidate the three competitive HUD homeless assistance programs into one program and provide new flexibility in using McKinney-Vento funds.

The Services for Ending Long-Term Homelessness Act perfectly compliments these efforts by making sure that communities offering permanent housing are also able to provide health, education and other supportive services that are so critical to the ultimate success of these efforts.

I believe we have the ingenuity and dedication to ensure that everyone has a safe decent and affordable place to call home. We need to support innovative solutions, and this bill does just that. It gives communities some of the resources they need to develop more supportive housing and move towards ending chronic homelessness, and I am proud to join my colleague from Ohio in spearheading this initiative.

By Mr. DASCHLE (for himself, Mr. CAMPBELL, Mr. INOUYE, Mr. JOHNSON, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 2938. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; read the first time.

FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS ASSOCIATION

Mr. DASCHLE. Mr. President, every American knows this photograph. It is one of the great iconic images of American courage and determination: the Marines raising the flag at Iwo Jima. What many Americans probably do not know is that one of the six Marines in this photo was a Native American. His name was Ira Hayes. He was a full-blooded Pima Indian, raised on a small farm on the Gila River Indian Community in Arizona.

Raising the flag with Ira Hayes that day on Iwo Jima were: a coal miner's son from Pennsylvania who came to America as an infant from Czechoslovakia; a farm boy from the Rio Grande Valley of Texas; a mill worker's son from New Hampshire; a former altar boy from Wisconsin, and a poor kid from eastern Kentucky.

One writer has called this photo '' a triumphant metaphor for the very soul of the (Marine) Corps.'' It is also something else. It is a reflection of every war our Nation has ever fought. In every major military conflict in our Nation's history, Indians have fought side-by-side with non-Indians. Native Americans served with honor and distinction in the Revolutionary War and the War of 1812. They served on both sides in the Civil War. Stand Watie, a Cherokee, was the last Confederate brigadier general to surrender to the Union troops. And Eli Parker, a Seneca from New York, was at Appomattox, serving as an aide to General Ulysses S. Grant when Robert E. Lee surrendered.

Native American soldiers rode with Teddy Roosevelt's Rough Riders in the charge on San Juan Hill in the Spanish-American War. Twelve-thousand Indians served in World War I. Even though Native Americans were denied U.S. citizenship at the time, many were so eager to serve that they went to Canada to enlist before the U.S. even entered the war. Their tremendous demonstration of patriotism finally moved Congress to pass the Indian Citizenship Act in 1924.

In World War II, more than one-third of all able-bodied Indian men between the ages of 18 and 50 served. The most famous were the ''Code Talkers'' from the Navajo Nation and other tribes—including the Lakota, Dakota and Nakota tribes of the Great Sioux Nation. During the Korean War, two Native American soldiers were awarded posthumous Congressional Medals of Honor. Another Korean War veteran, a Northern Cheyenne from Colorado, served with distinction in the Air Force and later in the United States Senate. He is our friend and colleague, the chairman of the Senate Indian Affairs Committee, Senator BEN NIGHTHORSE CAMPBELL.

In Vietnam, nearly 42,000 Native Americans served—90 percent of them volunteers. Native Americans served with honor in Grenada, Panama, the Persian Gulf war, Somalia, Bosnia and Kosovo. And they are serving our Nation today in Afghanistan and Iraq.

Given the tragic history between Indian tribes and the U.S. military, some might regard it as remarkable that Native Americans choose to serve in the military at all. Yet, not only do Native Americans serve, they have the highest rate of military service of any ethnic group in America. Today, one in four Native American men is a military veteran, as are nearly half of all tribal leaders.

Incredibly, despite this extraordinary history of service and sacrifice for our Nation, there has never been a national American Indians veterans organization. Until now.

Last week, a new organization, the National American Indian Veterans Association, held its first annual meeting in Arizona. At that meeting, members voted unanimously to approve the organization's charter. Today, I am introducing a bipartisan proposal to grant the National American Indian Veterans Association a Federal charter. I am proud to sponsor this proposal, along with four great champions of Indian people and tribes: my fellow South Dakotan, Senator JOHNSON; Senator BINGAMAN; Senator CAMPBELL, the distinguished chairman of the Indian Affairs Committee; and the committee's ranking member, Senator INOUYE, a noble warrior himself and a Medal of Honor recipient.

The National American Indian Veterans Association is long overdue, and it is desperately needed. Native Americans are the most likely of all Americans to volunteer for military service. But they are the least likely of all veterans to apply for the benefits they have earned. When they do try to claim those benefits, too often, the First Americans find themselves last in line.

Too many Native American veterans go without urgently needed medical care because they can't get appointments or they can't overcome bureaucratic hurdles at the VA or the nearest clinic is too far away. Too many Native American veterans are living in crowded apartments and crumbling houses and trailers, partly because homeownership assistance programs that work for most veterans don't take into account the specific needs of many Indian veterans. Many Native American veterans don't claim the education benefits they have earned. Too many Native American veterans don't get the retirement benefits they deserve. And when they die, too many of their families don't get the survivors' benefits they should.

A Federal charter does not grant the National American Indian Veterans Association any special legal status or favors. It will simply enable Native American veterans from all tribes to speak with one voice to Congress and to the Nation.

The National Commander of the National American Indian Veterans Association is a man I am proud to know. Don Loudner is from Mitchell, SD. He is a member of the Crow Creek Sioux Tribe and a Korean War veteran with 35 years in the Army Reserves. He is also a member of the VA's Advisory Committee on Minority Veterans, a former Commissioner of Indian Affairs for the State of South Dakota, a former superintendent of the Crow Creek Sioux Reservation, and one of the most tireless, articulate advocates for Native American veterans I have ever known.

Congress has chartered many veterans organizations representing specific groups: the American War Mothers, the Blinded Veterans Association, Catholic War Veterans, Italian American War Veterans of the USA, Jewish War Veterans of the USA, the National Association for Black Veterans, Polish Legion of American Veterans.

I believe the guidance and collected wisdom of the National American Indian Veterans Association will enable America to better honor its commitments to Native American veterans and their families. In doing so, it will strengthen Native Americans' long and exceptional tradition of military service to our Nation. And that will make America even safer and stronger.

Five Native American warriors have already given their lives in Iraq. They include three members of the Navajo Nation: Army Private First Class Lori Piestewa, a young Hopi mother and the first Native American woman soldier ever killed in combat; and a young Army Private First Class from the Cheyenne River Sioux Reservation in South Dakota. Sheldon Hawk Eagle was a member of the Army's 101st Airborne Division, the famed ''Screaming Eagles,'' the same unit that parachuted into Normandy on D-Day. He was also a descendant of the legendary Lakota warrior leader, Crazy Horse.

There are many reasons that these young warriors and so many other Native Americans have risked—and

given—their lives for this Nation. Clarence Wolf Guts may have said it best. Mr. Wolf Guts is from the Oglala Sioux Tribe and one of the last two surviving Lakota Code Talkers from World War II. Two weeks ago, he testified before the Senate Committee on Indian Affairs about a bill I am sponsoring to honor all Native American Code Talkers, from all tribes. In Clarence Wolf Guts' words, ''Indian people love America, and we will do whatever it takes to protect our freedom from all aggressors.''

By formally recognizing the National American Indian Veterans Association—America's first and only Native American veterans organization—America will be better able to honor the extraordinary patriotism of these heroes and provide them with the respect and benefits they have earned. I urge my colleagues to join us. Let's pass this bill this year.

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

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

S. 2938

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

SECTION 1. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

''CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

''**Sec.**
''150401. Organization.
''150402. Purposes.
''150403. Membership.
''150404. Board of directors.
''150405. Officers.
''150406. Nondiscrimination.
''150407. Powers.
''150408. Exclusive right to name, seals, emblems, and badges.
''150409. Restrictions.
''150410. Duty to maintain tax-exempt status.
''150411. Records and inspection.
''150412. Service of process.
''150413. Liability for acts of officers and agents.
''150414. Failure to comply with requirements.
''150415. Annual report.

''§ 150401. Organization

''The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the 'corporation'), is a federally chartered corporation.

''§ 150402. Purposes

''The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

''(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

''(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

''(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

''(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

''(5) to serve as an advocate for the needs of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

''(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

''(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

''(A) providing outreach service to those Tribes in need; and

''(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

''§ 150403. Membership

''Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

''§ 150404. Board of directors

''Subject to section 150406 of this title, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

''§ 150405. Officers

''Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

''§ 150406. Nondiscrimination

''In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

''§ 150407. Powers

''The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

''§ 150408. Exclusive right to name, seals, emblems, and badges

''(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names 'National American Indian Veterans, Incorporated' and 'National American Indian Veterans', and such seals, emblems, and badges as the corporation may lawfully adopt.

''(b) CONSTRUCTION.—Nothing in this section shall be construed to interfere or conflict with established or vested rights.

''§ 150409. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

''(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of the charter granted by this chapter.

''(2) Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

''(c) LOANS.—The corporation shall not make any loan to any officer, director, member, or employee of the corporation.

''(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

''§ 150410. Duty to maintain tax-exempt status

''The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

''§ 150411. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete books and records of accounts;

''(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

''(3) at its principal office, a record of the names and addresses of all members having the right to vote.

''(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

''(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

''§ 150412. Service of process

''With respect to service of process, the corporation shall comply with the laws of the jurisdiction under which the corporation is incorporated and those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

''§ 150413. Liability for acts of officers and agents

''The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

''§ 150414. Failure to comply with requirements

''If the corporation fails to comply with any of the restrictions or provisions of this chapter, including the requirement under section 150410 of this title to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

''§ 150415. Annual report

''(a) IN GENERAL.—The corporation shall report annually to Congress concerning the activities of the corporation during the preceding fiscal year.

''(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b) of this title.

''(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of

title 36, United States Code, is amended by insert after the item relating to chapter 1503 the following new item:

"1504. National American Indian Veterans, Incorporated ..... 150401".

By Mr. LUGAR (for himself, Mrs. BOXER, Mr. CHAFEE, Mr. FEINGOLD, and Mr. COLEMAN):

S. 2939. A bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004.

The unprecedented AIDS orphan crisis in sub-Saharan Africa has profound implications for political stability, development, and human welfare that extend far beyond the region. Sub-Saharan African nations stand to lose generations of educated and trained professionals who can contribute meaningfully to their countries' development. Orphaned children, many of whom are homeless, are more likely to resort to prostitution and other criminal behavior to survive. Most frighteningly, these uneducated, poorly socialized, and stigmatized young adults are extremely vulnerable to being recruited into criminal gangs, rebel groups, or extremist organizations that offer shelter and food and act as ''surrogate'' families. It is imperative that the international community respond to this crisis that threatens stability within individual countries, the region, and around the world.

An estimated 110 million orphans live in sub-Saharan Africa, Asia, Latin America, and the Caribbean. The HIV/AIDS pandemic is rapidly expanding the orphan population. Currently an estimated 14 million children have been orphaned by AIDS, most of whom live in sub-Saharan Africa. This number is projected to soar to more than 25 million by 2010. The pandemic is orphaning generations of African children and is compromising the overall development prospects of their countries.

Most orphans in the developing world live in extremely disadvantaged circumstances. Poor communities in the developing world struggle to meet the basic food, clothing, health care, and educational needs of orphans. Experts recommend supporting community-based organizations to assist these children. Such an approach enables the children to remain connected to their communities, traditionals, rituals, and extended families.

My bill seeks to improve assistance to orphans and other vulnerable children in developing countries. It would require the United States Government to develop a comprehensive strategy for providing such assistance and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Orphans are less likely to be in school, and more likely to be working full time. Yet only education can help children acquire the knowledge and develop the skills they need to build a better future. Studies have shown that school food programs provide an incentive for children to stay in school. School meals provide basic nutrition to children who otherwise do not have access to reliable food.

For many children, the primary barrier to an education is the expense of school fees, uniforms, supplies, and other costs. My bill aims to improve enrollment and access to primary school education by supporting programs that reduce the negative impact of school fees and other expenses. It also would affirm our commitment to international school lunch programs.

Many children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children.

The AIDS orphan crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region, affecting governments and people worldwide. Every 14 seconds another child is orphaned by AIDS. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I am hopeful that Senators will join me in backing this legislation, and I ask 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. 2939

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than 110,000,000 orphans live in sub-Saharan Africa, Asia, Latin America, and the Caribbean. These children often are disadvantaged in numerous and devastating ways and most households with orphans cannot meet the basic needs of health care, food, clothing, and educational expenses.

(2) It is estimated that 121,000,000 children worldwide do not attend school and that the majority of such children are young girls. According to the United Nations Children's Fund (UNICEF), orphans are less likely to be in school and more likely to be working full time.

(3) School food programs, including take-home rations, in developing countries provide strong incentives for children to remain in school and continue their education. School food programs can reduce short-term hunger, improve cognitive functions, and enhance learning, behavior, and achievement.

(4) Financial barriers, such as school fees and other costs of education, prevent many orphans and other vulnerable children in developing countries from attending school. Providing children with free primary school education, while simultaneously ensuring that adequate resources exist for teacher training and infrastructure, would help more orphans and other vulnerable children obtain a quality education.

(5) The trauma that results from the loss of a parent can trigger behavior problems of aggression or emotional withdrawal and negatively affect a child's performance in school and the child's social relations. Children living in families affected by HIV/AIDS or who have been orphaned by AIDS often face stigmatization and discrimination. Providing culturally appropriate psychosocial support to such children can assist them in successfully accepting and adjusting to their circumstances.

(6) Orphans and other vulnerable children in developing countries routinely are denied their inheritance or encounter difficulties in claiming the land and other property which they have inherited. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow, even if she has young children, to claim property after the death of her husband.

(7) The HIV/AIDS pandemic has had a devastating affect on children and is deepening poverty in entire communities and jeopardizing the health, safety, and survival of all children in affected areas.

(8) The HIV/AIDS pandemic has increased the number of orphans worldwide and has exacerbated the poor living conditions of the world's poorest and most vulnerable children. AIDS has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. An estimated 14,000,000 orphans have lost 1 or both parents to AIDS. By 2010, it is estimated that over 25,000,000 children will have been orphaned by AIDS.

(9) Approximately 2,500,000 children under the age of 15 worldwide have HIV/AIDS. Every day another 2,000 children under the age of 15 are infected with HIV. Without treatment, most children born with HIV can expect to die by age two, but with sustained drug treatment through childhood, the chances of long-term survival and a productive adulthood improve dramatically.

(10) Few international development programs specifically target the treatment of children with HIV/AIDS in developing countries. Reasons for this include the perceived low priority of pediatric treatment, a lack of pediatric health care professionals, lack of expertise and experience in pediatric drug dosing and monitoring, the perceived complexity of pediatric treatment, and mistaken beliefs regarding the risks and benefits of pediatric treatment.

(11) Although a number of organizations seek to meet the needs of orphans or other vulnerable children, extended families and local communities continue to be the primary providers of support for such children.

(12) The HIV/AIDS pandemic is placing huge burdens on communities and is leaving many orphans with little support. Alternatives to traditional orphanages, such as community-based resource centers, continue to evolve in response to the massive number of orphans that has resulted from the pandemic.

(13) The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, human welfare, and development that extend far beyond the region, affecting governments and people worldwide, and this crisis requires an accelerated response from the international community.

(14) Although section 403(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673(b)) establishes the requirement that not less than 10 percent of amounts appropriated for HIV/AIDS assistance for each of fiscal years 2006 through 2008 shall be expended for assistance for orphans and other vulnerable children affected by HIV/AIDS, there is an urgent need to provide assistance to such children prior to 2006.

(15) Numerous United States and indigenous private voluntary organizations, including faith-based organizations, provide assistance to orphans and other vulnerable children in developing countries. Many of these organizations have submitted applications for grants to the Administrator of the United States Agency for International Development to provide increased levels of assistance for orphans and other vulnerable children in developing countries.

(16) Increasing the amount of assistance that is provided by the Administrator of the United States Agency for International Development through United States and indigenous private voluntary organizations, including faith-based organizations, will provide greater protection for orphans and other vulnerable children in developing countries.

(17) It is essential that the United States Government adopt a comprehensive approach for the provision of assistance to orphans and other vulnerable children in developing countries. A comprehensive approach would ensure that important services, such as basic care, psychosocial support, school food programs, increased educational opportunities and employment training and related services, the protection and promotion of inheritance rights for such children, and the treatment of orphans and other vulnerable children with HIV/AIDS, are made more accessible.

(18) Assistance for orphans and other vulnerable children can best be provided by a comprehensive approach of the United States Government that—

(A) ensures that Federal agencies and the private sector coordinate efforts to prevent and eliminate duplication of efforts and waste in the provision of such assistance; and

(B) to the maximum extent possible, focuses on community-based programs that allow orphans and other vulnerable children to remain connected to the traditions and rituals of their families and communities.

SEC. 3. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN IN DEVELOPING COUNTRIES.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following section:

"SEC. 135. ASSISTANCE FOR ORPHANS AND OTHER VULNERABLE CHILDREN.

''(a) FINDINGS.—Congress finds the following:

''(1) There are more than 110,000,000 orphans living in sub-Saharan Africa, Asia, Latin America, and the Caribbean.

''(2) The HIV/AIDS pandemic has created an unprecedented orphan crisis, especially in sub-Saharan Africa, where children have been hardest hit. The pandemic is deepening poverty in entire communities, and is jeopardizing the health, safety, and survival of all children in affected countries. It is estimated that 14,000,000 children have lost one or both parents to AIDS.

''(3) The orphans crisis in sub-Saharan Africa has implications for human welfare, development, and political stability that extend far beyond the region, affecting governments and people worldwide.

''(4) Extended families and local communities are struggling to meet the basic needs of orphans and vulnerable children by providing food, health care including treatment of children living with HIV/AIDS, education expenses, and clothing.

''(5) Providing assistance to such children is an important expression of the humanitarian concern and tradition of the people of the United States.

''(b) DEFINITIONS.—In this section:

''(1) AIDS.—The term 'AIDS' has the meaning given the term in section 104A(g)(1) of this Act.

''(2) CHILDREN.—The term 'children' means persons who have not attained the age of 18.

''(3) HIV/AIDS.—The term 'HIV/AIDS' has the meaning given the term in section 104A(g)(3) of this Act.

''(4) ORPHAN.—The term 'orphan' means a child deprived by death of one or both parents.

''(5) PSYCHOSOCIAL SUPPORT.—The term 'psychosocial support' includes care that addresses the ongoing psychological and social problems that affect individuals, their partners, families, and caregivers in order to alleviate suffering, strengthen social ties and integration, provide emotional support, and promote coping strategies.

''(c) ASSISTANCE.—The President is authorized to provide assistance, including providing such assistance through international or nongovernmental organizations, for programs in developing countries to provide basic care and services for orphans and other vulnerable children. Such programs should provide assistance—

''(1) to support families and communities to mobilize their own resources through the establishment of community-based organizations to provide basic care for orphans and other vulnerable children;

''(2) for school food programs, including the purchase of local or regional foodstuffs where appropriate;

''(3) to increase primary school enrollment through the elimination of school fees, where appropriate, or other barriers to education while ensuring that adequate resources exist for teacher training and infrastructure;

''(4) to provide employment training and related services for orphans and other vulnerable children who are of legal working age;

''(5) to protect and promote the inheritance rights of orphans, other vulnerable children, and widows;

''(6) to provide culturally appropriate psychosocial support to orphans and other vulnerable children; and

''(7) to treat orphans and other vulnerable children with HIV/AIDS through the provision of pharmaceuticals, the recruitment and training of individuals to provide pediatric treatment, and the purchase of pediatric-specific technologies.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for each of the fiscal years 2005 and 2006.

''(2) AVAILABILITY OF FUNDS.—Amounts made available under paragraph (1) are authorized to remain available until expended and are in addition to amounts otherwise available for such purposes.

''(3) RELATIONSHIP TO OTHER LAWS.—Amounts made available for assistance pursuant to this subsection, and amounts made available for such assistance pursuant to any other provision of law, may be used to provide such assistance notwithstanding any other provision of law.''.

SEC. 4. STRATEGY OF THE UNITED STATES.

(a) REQUIREMENT FOR STRATEGY.—Not later than 180 days after the date of enactment of this Act, the President shall develop, and submit to the appropriate congressional committees, a strategy for coordinating, implementing, and monitoring assistance programs for orphans and vulnerable children.

(b) CONSULTATION.—The President should consult with employees of the field missions of the United States Agency for International Development in developing the strategy required by subsection (a) to ensure that such strategy—

(1) will not impede the efficiency of implementing assistance programs for orphans and vulnerable children; and

(2) addresses the specific needs of indigenous populations.

(c) CONTENT.—The strategy required by subsection (a) shall include—

(1) the identity of each agency or department of the Federal Government that is providing assistance for orphans and vulnerable children in foreign countries;

(2) a description of the efforts of the head of each such agency or department to coordinate the provision of such assistance with other agencies or departments of the Federal Government or nongovernmental entities;

(3) a description of a coordinated strategy, including coordination with other bilateral and multilateral donors, to provide the assistance authorized in section 135 of the Foreign Assistance Act of 1961, as added by section 3 of this Act;

(4) an analysis of additional coordination mechanisms or procedures that could be implemented to carry out the purposes of such section;

(5) a description of a monitoring system that establishes performance goals for the provision of such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible; and

(6) a description of performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (5).

SEC. 5. ANNUAL REPORT.

Not later than one year after the date on which the President submits the strategy required by section 4(a) to the appropriate congressional committees, and annually thereafter, the President shall submit a report to the appropriate congressional committees on the implementation of this Act.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

By Mr. PRYOR (for himself, Mrs. LINCOLN, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM of Florida, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 2942. A bill to amend the Internal Revenue Code of 1986 to provide that

combat pay be treated as earned income for purposes of the earned income credit; to the Committee on Finance.

Mr. PRYOR. Mr. President, I know the hour is late, and I will try to keep my comments fairly brief. I promise I will not take more than an hour or two.

What I am showing tonight is a picture of some American heroes. Oftentimes we look at a person in uniform and say: That's a hero. Certainly, the folks injured and killed in combat we see them as heroes. But you are really just a hero if you serve, if you put on your uniform and do your duty to your country.

The other heroes in this picture are this soldier's family. We can see they are hugging him and supporting him, and that is really part of the definition of a hero as well. Certainly, the folks who are not pictured here—this man's employer because he is probably in the Guard or Reserve, and folks in the community, people in his church or his neighborhood—whatever the circumstances may be—they are heroes in this picture.

We thank all of our soldiers who are serving bravely for our country, wherever they may be tonight. I want to thank the conferees, who worked so hard on the Working Families Tax Relief Act last week, for including the provisions of S. 2417, the Tax Relief for Americans in Combat Act or, as some people call it, TRAC.

One thing that TRAC was designed to do was eliminate the combat pay penalty. I introduced TRAC back in May of this year. The rationale for introducing TRAC was to help our men and women in combat. In fact, in my work on the Armed Services Committee, and with the help of Chairman GRASSLEY and Ranking Member BAUCUS, the committee requested a GAO report. We became concerned in the Armed Services Committee about the tax package that is available to our soldiers, Marines, airmen and seamen. So Chairman GRASSLEY and Ranking Member BAUCUS were gracious enough to request a GAO report.

In essence, what the GAO report found was a glitch in the Tax Code, an unintended consequence. Basically, what they found is that if one is a soldier and receives combat pay, which means they are in theater and they are in harm's way every day, they receive their combat pay and they want to claim their earned income tax credit, which many of these individuals are entitled to under our Tax Code, they actually can lose money on their taxes by receiving their combat pay. That is why I call it the ''combat pay penalty,'' because it really does disadvantage some people on their taxes.

I have a chart that illustrates what I am talking about. If someone is working in a hardware store 12 months out of the year, let's say they were making $16,000 a year annually, under the earned income tax system that we have on our books right now, $4,100 may possibly come back to him under the EITC. If that same person works in a hardware store, say, for 4 months, and he is in the guard or reserve and he gets 8 months for his military service and he makes the same $16,000, by the time he does the math and he fills out his tax form he is only entitled to $2,100 under the earned income tax credit.

What we are doing is, inadvertently we are putting our soldiers at a disadvantage. In other words, this soldier in this example has lost on his taxes about $2,000. Clearly, this is not the intent of Congress.

The way I feel about it—and I know a lot of my colleagues on both sides of the aisle feel about this—is while our brave soldiers are overseas fighting for us, we need to be in Washington fighting for them and their families. I think it is just incumbent upon us to recognize the principle that we need to take care of those who take care of us. There is no one in the world who is doing a better job taking care of us than our men and women in combat.

Under the provisions of a bill that I will file this evening, the provisions are very simple. What it will do is allow men and women in uniform serving in combat to include combat pay for the purpose of calculating their earned income and their child tax credit benefits. If that calculation works in their best interest, it gives them control over their taxes and allows them to make the determination for what is in their best interest on their taxes.

Again, I want to thank the conference, and the Senate, House, and the President for signing it, because we did win a short-term victory on this. We got this provision on the earned income tax credit for 2 years. Everything else in the bill was 5 years, but we did get 2 years. It is a short-term victory, something I hope we will be able to go back and change and make it a long-term solution for these brave Americans.

I do not want to speak to all the intricacies of the earned income tax credit because I have heard Senators in this Chamber say that it is basically a Tax Code for a welfare program. I disagree with that. We may have an honest disagreement about that. Clearly, our men and women in uniform receiving combat pay are working hard. We know this is not a welfare program for them. We know they are not going to abuse this or they are not going to miscalculate it. We have a high degree of confidence that this is going to be good for them and good for all of us.

Anyway, I want to draw the attention of my colleagues to the next chart, which is the earned income tax credit. This chart shows how it is structured. Depending on a person's situation, if they have no child, one child, two or more children, it shows a sort of range of possibilities, depending on what one's income is. Obviously, it is like a formula where the numbers have to be plugged in. It is different for different people.

As we can see, a soldier who is making, say, about $6,300 ought to get about $390 from the earned income tax credit. Whereas a soldier who is down on the income scale, making $1,400, should get about $2,600 in earned income tax credit. So, again, this will change depending on the situation.

What we are proposing would allow our soldiers, our men and women in uniform, to take advantage of an existing provision of the Tax Code and maximize it to their full advantage.

I am not saying that we can get this done this week. We certainly understand that we are out of legislative days, but I hope sincerely that we can come back in the lame duck session or whenever we reconvene and really get serious about helping our men and women in uniform.

We fixed the earned income tax credit for 2004 and 2005.

Here is another chart showing some of the numbers and how it would work, again, depending on how many months one is in combat. Just depending on the various losses that one might have, we can see based on this chart and the numbers here, the soldiers who are impacted the most are the enlisted men. Officers can be penalized under this, but the enlisted men and women are the ones who are probably at the greatest danger of losing their tax benefit.

One reason that Senators have decided to help me on this—we have, I believe 36 cosponsors now who have signed up to help out on this—is because it is a cheap fix. When we look at the numbers for 2 years, 2006 and 2007, we are only talking about $15 million. When we talk about taxes in this country, we talk about billions or trillions, but over 2 years this is only $15 million. Over 10 years it is only $68 million. That is not a lot of money. That is really peanuts in the grand scheme of things when we are talking about our Tax Code and other numbers that we talk about, when we talk about fixing our taxes in this country. This is real money for these soldiers in uniform.

I close with another picture of some heroes to remind us what this is all about, who we are trying to help. These soldiers, most of them, are relatively low-income because one has to be relatively low-income to even qualify for the earned income tax credit. They are leaving their families behind. Many of them are leaving jobs, homes, all kinds of economic security. Like I said, these are the folks who are taking care of us, and I think in the Senate and in the Congress we ought to do our part to take care of them.

Mrs. LINCOLN: Mr. President, I rise to join my colleagues Senators PRYOR and BAUCUS in introducing legislation to ensure members of the military who serve in combat are not treated unfairly under the tax code. I believe strongly that we have an obligation in Congress to take care of the brave men and women in uniform who risk their lives to take care of us.

As my friend and colleague Senator PRYOR mentioned, the provision in the Tax Code we are seeking to amend affects the ability of military personnel who serve in combat zones to benefit from the Earned Income Tax Credit. Due to an unintended consequence in the tax code, those affected may loose up to $4,000 in tax relief simply because they have volunteered to defend our freedom.

This is wrong.

We corrected the problem for 2 years—until 2006—in the Working Families Tax Relief Act which Congress recently approved but we didn't resolve the matter appropriately in my judgement. I offered an amendment during the conference report to bring tax relief for military families in line with the other provisions in the bill but that amendment was rejected.

I hope my colleagues will reconsider.

The men and women in uniform who serve in harm's way and their families here at home are the last people we should burden with uncertainty in the Tax Code. I think we should fix this problem without delay and that is why I am proud to join in this effort.

I applaud Senator PRYOR for his leadership and hard work on this issue, and I yield the floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 451—EXPRESSING THE SENSE OF THE SENATE THAT A POSTAGE STAMP SHOULD BE ISSUED HONORING OSKAR SCHINDLER

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. RES. 451

Whereas during the Nazi occupation of Poland, Oskar Schindler personally risked his life and that of his wife to provide food and medical care and saved the lives of over 1,000 Jews, many of whom later made their homes in the United States;

Whereas Oskar Schindler also rescued about 100 Jewish men and women from the Golezow concentration camp, who lay trapped and partly frozen in 2 sealed train cars stranded near Brunnlitz;

Whereas millions of Americans have been made aware of the story of Schindler's bravery;

Whereas on April 28, 1962, Oskar Schindler was named a ''Righteous Gentile'' by Yad Vashem; and

Whereas Oskar Schindler is a true hero and humanitarian deserving of honor by the United States Government: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Postal Service should issue a stamp honoring the life of Oskar Schindler.

Mr. LAUTENBERG. Mr. President, I rise today to ask the Senate to honor an individual who stands in high esteem in America and throughout the world. I am pleased to submit a resolution calling on the Postal Service to issue a stamp commemorating the life of Oskar Schindler. Postage stamps are often reserved for individuals who have offered especially significant contributions—Oskar Schindler demonstrates how one person truly can make a difference in the world.

The stories of Oskar Schindler and his heroism are well-documented and must never be forgotten. To speak against Hitler's genocide during the Holocaust was rare; to help Jews escape from persecution was perilous. Yet Oskar Schindler selflessly risked his own life to save the lives of over 1200 Jewish men, women, and children. He also rescued from the Golezow concentration camp approximately 100 Jewish men and women who were trapped in a sealed and freezing railroad car.

I have had the benefit of learning about these heroics first-hand from a New Jersey resident and friend of mine, Abraham Zuckerman. In 1942, Abraham was sent to the Plaszow concentration camp, where he faced certain death—until the day he was told that he was on Schindler's List. He attests: ''I am one of the Survivors and I owe my life to the courage and strength of this great man. His life was always in danger but still he persisted to do what he knew to be the right thing, he saved the Jews anyway he could.'' Since the day Abraham immigrated to the United States, he has made it a mission to keep Oskar Schindler's contributions alive in the minds of Americans, and I thank him for his efforts.

A ''general policy'' of the Citizens' Stamp Advisory Committee, which decides the subject matter of postage stamps, is that U.S. postage stamps and stationery ''primarily will feature Americans or American-related subjects.'' Oskar Schindler rescued many Jewish people who fled areas ruled by Hitler and made America their home. His valor and selflessness exhibit attributes that parallel the founding principles of America and all democracies. He devoted much of his life in the pursuit of freedom and humanitarianism. That is the ultimate American-related subject.

Oskar Schindler's bravery and contributions make him worthy of honor and recognition. Issuing a stamp in his memory would assure that his story is told to a new generation.

SENATE RESOLUTION 452—DESIGNATING DECEMBER 13, 2004, AS ''NATIONAL DAY OF THE HORSE'' AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO BE MINDFUL OF THE CONTRIBUTION OF HORSES TO THE ECONOMY, HISTORY, AND CHARACTER OF THE UNITED STATES

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 452

Whereas the horse is a living link to the history of the United States;

Whereas without horses, the economy, history, and character of the United States would be profoundly different;

Whereas horses continue to permeate the society of the United States, as witnessed on movie screens, on open land, and in our own backyards;

Whereas horses are a vital part of the collective experience of the United States and deserve protection and compassion;

Whereas because of increasing pressure from modern society, wild and domestic horses rely on humans for adequate food, water, and shelter; and

Whereas the Congressional Horse Caucus estimates that the horse industry contributes much more than $100,000,000,000 each year to the economy of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates December 13, 2004, as ''National Day of the Horse'', in recognition of the importance of horses to the security, economy, recreation, and heritage of the United States;

(2) encourages all people of the United States to be mindful of the contribution of horses to the economy, history, and character of the United States; and

(3) requests that the President issue a proclamation calling on the people of the United States and interested organizations to observe the day with appropriate programs and activities.

Mr. CAMPBELL. Mr. President, I am today submitting a resolution to designate December 13, 2004 as ''The National Day of the Horse.''

The image of the horse is a fixture of American society, an icon whose role has changed greatly through the history of our Nation, but whose status has never wavered. Even for the very forefathers of our country, the horse has meant not only transportation and utility, but companionship and a way of life.

Who can forget the indelible images to which horses have given rise? Mere mention of the American West conjures pictures of Plains Indians hunting buffalo, dusty ranchers and cowboys on the trail for the great cattle drives, and vast herds of wild mustangs roaming free across the undiscovered frontier. Horses have been used in military campaigns, police operations, to say nothing of their roles in agricultural labor as beasts of burden.

Modern interest in horses ranges from the serious thoroughbred horse breeders, trainers, and jockeys whose work we enjoy at events such as the Breeder's Cup, which will be run later this month, to the thousands of Americans who enjoy riding horses with no concern for ribbons or money, but as a welcome respite from their otherwise hectic lives and a link to the past.

The horse industry is highly diverse, and supports a wide variety of activities in all regions of the country; from the pastoral activities of breeding, training, and riding horses to more urban pursuits such as horse shows and competitive racing.

In terms of economic impact, the horse industry directly employs more people than railroads, radio and television broadcasting, petroleum and coal, and tobacco. In fact, the industry's contribution to the U.S. Gross Domestic Product is estimated at over $100 billion, only slightly less than the

apparel and textile manufacturing industries.

While the role of the horse in the daily life and economy of the United States has changed much over the past two hundred years, it still remains a strong and influential force in both our collective imagination and daily lives.

SENATE RESOLUTION 453—EXPESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD PREPARE A COMPREHENSIVE STRATEGY FOR ADVANCING AND ENTERING INTO INTERNATIONAL NEGOTIATIONS ON A BINDING AGREEMENT THAT WOULD SWIFTLY REDUCE GLOBAL MERCURY USE AND POLLUTION TO LEVELS SUFFICIENT TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT

Mr. JEFFORDS (for himself, Mr. CHAFEE, Mr. SARBANES, Ms. SNOWE, Mr. LIEBERMAN, Mr. LEAHY, Mr. DAYTON, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 453

Whereas mercury is a persistent, bioaccumulative, and toxic heavy metal;

Whereas mercury is found naturally in the environment but is also emitted into the air, land, and water in various forms in the United States and around the world during fossil fuel combustion, waste incineration, chlor-alkali production, mining, and other industrial processes, as well as during the production, use, and disposal of various products;

Whereas mercury air pollution has the ability to both deposit locally and travel thousands of miles in a global atmospheric pool of emissions before eventual deposition, crossing national boundaries and becoming a shared global burden;

Whereas the United Nations Environment Programme reported that, on average, anthropogenic emissions of mercury since preindustrial times have resulted in 50- to 300-percent increases in deposition rates around the world;

Whereas the United Nations Environment Programme reported that global consumption of mercury equaled 3,337 tons in 1996, and that all mercury releases to the global environment total approximately 5,000 tons each year;

Whereas mercury air pollution can deposit into lakes, streams, and the oceans where it is transformed into toxic methylmercury and bioaccumulates in fish and fish-eating wildlife;

Whereas the National Academy of Sciences confirmed that consumption of mercury-contaminated fish and seafood by pregnant women can cause serious neurodevelopmental harm in the fetus, including such detrimental effects as intelligence quotient deficits, abnormal muscle tone, decreases in motor function, attention, or visuospatial performance, mental retardation, seizure disorders, cerebral palsy, blindness, and deafness;

Whereas the 1997 Mercury Study Report submitted by the Administrator of the Environmental Protection Agency to Congress found that every region of the United States is adversely affected by mercury deposition;

Whereas the Food and Drug Administration, the Environmental Protection Agency, and 48 States currently have advisories warning the public to limit consumption of certain fish that are high in mercury content;

Whereas, of the 4,000,000 children born every year in the United States, scientists at the Environmental Protection Agency estimate that approximately 630,000 are exposed to mercury levels in the womb above the safe health threshold, caused primarily by maternal consumption of mercury-tainted fish;

Whereas these health and environmental effects of mercury contamination can impose significant social and economic costs in the form of increased medical care, special educational and occupational needs, reduced economic performance, and disruptions in recreational and commercial fishing and hunting, and can create disproportionate health, social, and economic impacts among subpopulations dependent on subsistence fishing;

Whereas the Environmental Protection Agency has estimated that the United States is a net emitter of mercury in that the United States contributes 3 times as much mercury to the global atmospheric pool of air emissions as it receives through deposition;

Whereas the United States Geological Survey has not reported mercury consumption figures for key sectors in the United States economy since 1996, thereby creating important information gaps relating to domestic mercury use and trade;

Whereas the quantity of domestic fugitive chlor-alkali sector emissions has been labeled an enigma by the Environmental Protection Agency;

Whereas, in accordance with Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (42 U.S.C. 7401 et seq.), the Environmental Protection Agency determined in December 2000 that a maximum achievable control technology standard for mercury and other air toxic emissions for electric utility steam generating units in the United States is appropriate and necessary, and listed coal- and oil-fired electric utility steam generating units for regulation, thereby triggering a statutory requirement that maximum achievable controls be implemented at every existing coal- and oil-fired electric utility steam generating unit by not later than December 2005;

Whereas other major stationary sources have already implemented maximum achievable control technology standards for mercury and other air toxics, as required by the Clean Air Act (42 U.S.C. 7401 et seq.);

Whereas effective mercury and other heavy metal removal techniques have been demonstrated and are available on an industrial scale in the major stationary source categories;

Whereas the lack of effective emission control standards in other countries can give foreign industries a competitive advantage over United States businesses;

Whereas alternatives and substitutes have been demonstrated and are available to reduce or eliminate mercury use in most products and processes;

Whereas the European Commission reports that mercury mining, the closing of mercury cell chlor-alkali facilities, and the phasing out of other outmoded industrial processes in the United States and Europe are contributing significantly to imports of mercury in the developing world;

Whereas the Department of Defense announced in April 2004 that it will consolidate and store its stockpile of approximately 5,000 tons of mercury rather than allow the surplus to enter the global marketplace;

Whereas from 1996 through 2004, the Environmental Council of the States adopted or renewed 9 resolutions highlighting the importance of substantially reducing mercury use and releases in the United States and around the world, and of managing excess supplies of mercury so that they do not enter the global marketplace;

Whereas many States, including California, Connecticut, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin, are already implementing their own laws, regulations, and other strategies for tracking or reducing various forms of mercury use and pollution, and the Governors of States in New England have set a goal of virtually eliminating mercury emissions in that region;

Whereas the European Commission is developing a mercury strategy that is aimed at comprehensively addressing all aspects of the mercury cycle, including the use, trade, and release of mercury;

Whereas the United States is a party to the Protocol on Heavy Metals of the Convention on Long-Range Transboundary Air Pollution, done at Aarhus, Denmark on June 24, 1998, which entered into force in December 2003 and commits the United States to a basic obligation to limit air emissions of mercury and other heavy metals from new and existing sources, within 2 and 8 years respectively, using the best available techniques;

Whereas the current parties to the Convention and the Protocol represent only a portion of anthropogenic emissions of heavy metals annually that are subject to transboundary atmospheric transport and are likely to have significant adverse effects on human health or the environment;

Whereas the 22nd session of the United Nations Environment Programme Governing Council concluded that there is sufficient evidence in the Programme's Global Mercury Assessment of significant global adverse impacts to warrant international action to reduce the risks to human health and the environment from releases of mercury;

Whereas the United Nations Environment Programme invited submission of governmental views on medium- and long-term actions on mercury and other heavy metals, which will be synthesized into a report for presentation at the 23rd session of the Governing Council occurring February 21 to 25, 2005, with a view to developing a legally binding instrument, a non-legally binding instrument, or other measures or actions; and

Whereas the United States has taken no position on any such instrument: Now, therefore, be it

Resolved, That it is the Sense of the Senate that—

(1) the United States should engage constructively and proactively in international dialogue regarding mercury pollution, use, mining, and trade; and

(2) the President should prepare a comprehensive strategy—

(A) to advance and enter into international negotiations on a binding agreement that would—

(i) reduce global use, trade, and releases of mercury to levels sufficient to protect public health and the environment, including steps to—

(I) establish specific and stringent targets and schedules for reductions in mercury use in the United States, and emissions below levels for calendar year 2000, beyond current domestic and global efforts;

(II) end primary mercury mining in the near future and establish a system to ensure excess mercury supplies do not enter the global marketplace; and

(III) require countries to develop regional and national action plans to address mercury sources and uses;

(ii) include all countries that use, trade, or release significant quantities of mercury into the environment from anthropogenic sources;

(iii) require the application of the best available control technologies and strategies to control releases from industrial sectors in the very near future, including minimizing releases from coal-fired power plants and replacing obsolete mercury products and processes, including the mercury cell chlor-alkali process;

(iv) contain mechanisms for promoting and funding the transfer and adoption of less emitting technologies and mercury-free processes, and for facilitating the safe clean-up of mercury contamination;

(v) establish a standardized system to document and track the use, production, and trade of mercury and mercury-containing products, including a licensing requirement for mercury traders; and

(vi) incorporate explicit mechanisms for adding toxic air pollutants with similar characteristics in the future;

(B) to delineate the preferred structure, format, participants, mechanisms, and resources necessary for achieving and implementing the agreement described in subparagraph (A);

(C) to enter into bilateral and multilateral agreements to align global mercury production with reduced global demand and minimize global mercury releases, while negotiating the agreement described in subparagraph (A);

(D) to initiate and support a parallel international research effort that does not delay current or planned mercury pollution or use reduction efforts—

(i) to collect global data to support the development of a comprehensive inventory of mercury use, mining, trade, and releases; and

(ii) to develop less emitting technologies and technologies to reduce the need for, and use of, mercury in commerce;

(E) to review monitoring capabilities and data collection efforts of the United States for domestic mercury use, trade, and releases to ensure there is sufficient information available for any implementing legislation that may be necessary for compliance with existing protocols and future global mercury agreements;

(F) to work through existing international organizations, such as the United Nations, the International Standards Organization, and the World Trade Organization, to encourage the development of programs, standards, and trade agreements that will result in reduced use and trade of mercury, the elimination of primary mercury mining, and reductions in releases of mercury and other long-range transboundary air pollutants; and

(G) not later than February 11, 2005, to submit to the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate a report on that strategy, including a description of the ways in which the strategy will be used and communicated at the 23rd Session of the United Nations Environment Programme Governing Council.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3986. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence.

SA 3987. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3988. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3989. Mr. BAUCUS (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 3990. Mr. KENNEDY (for Mr. CHAMBLISS (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3991. Mr. HAGEL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3992. Mr. CORNYN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3993. Mr. CORNYN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3994. Mr. CHAMBLISS (for himself, Mr. KENNEDY, and Mr. SPECTER) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 3995. Mr. BAYH (for himself, Mr. ROBERTS, Mr. WYDEN, Mrs. FEINSTEIN, Mr. MCCAIN, and Ms. SNOWE) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 3996. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3997. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3998. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 3999. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, Ms. SNOWE, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4000. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4001. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4002. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4003. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4004. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4005. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4006. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4007. Mr. LEAHY (for himself, Mr. HATCH, Mr. SESSIONS, Mr. SPECTER, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4008. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4009. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4010. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4011. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4012. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4013. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4014. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and

Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4015. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4016. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4017. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4018. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4019. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4020. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4021. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4022. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4023. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4024. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4025. Mr. MCCONNELL (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4026. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4027. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4028. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4029. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4030. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4031. Mr. ROCKEFELLER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4032. Mr. REID submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4033. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4034. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4035. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4036. Mr. DURBIN proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4037. Mr. HATCH (for Mr. LEAHY (for himself, Mr. SPECTER, and Mr. HATCH)) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4038. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the resolution S. Res. 445, supra.

SA 4039. Mr. SHELBY (for himself and Mr. SARBANES) submitted an amendment intended to be proposed by him to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4040. Mr. BINGAMAN (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra.

SA 4041. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 4027 submitted by Mr. NICKLES (for himself and Mr. CONRAD) and intended to be proposed to the amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

SA 4042. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4015 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3986. Mr. REID (for Mr. BYRD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

At the appropriate place in Sec. 402(b) after the word ''matters'' insert the following: '', as determined by the Senate Committee on Appropriations''.

SA 3987. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Strike section 101(b)(1) of the resolution and insert the following:

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, or the Federal Law Enforcement Training Center; and

(B) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107–296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107–296).

SA 3988. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the appropriate place in the resolution, insert the following:

SEC. ___. CLARIFICATION OF SENATE RULE XVI.

Notwithstanding the provisions of paragraph 2 of rule XVI of the Standing Rules of the Senate, the Committee on Appropriations shall not report an appropriation bill proposing new or general legislation or any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law if such restriction is to take effect or cease to be effective upon the happening of a contingency, and if an appropriation bill is reported to the Senate proposing new or general legislation or any such

restriction, a point of order may be made against the bill, and if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

SA 3989. Mr. BAUCUS (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

Strike section 101(b)(1) of the resolution and insert the following:

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, or the Federal Law Enforcement Training Center; and

(B) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107–296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107–296).

SA 3990. Mr. KENNEDY (for Mr. CHAMBLISS (for himself and Mr. KENNEDY)) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of section 101(b)(1) insert the following: ''except matters relating to the U.S. Citizenship and Immigration Service, and the immigration functions of the U.S. Customs and Border Protection, the U.S. Immigration and Customs Enforcement, and the Directorate of Border and Transportation Security.''.

SA 3991. Mr. HAGEL (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Section 301(b) is amended by adding at the end the following: ''The service of a member selected pursuant to section 2(a)(1) of S. Res. 400 (94th Congress) shall not be counted for purposes of paragraph 4(a)(1) of rule XXV of the Standing Rules of the Senate.''.

SA 3992. Mr. CORNYN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Inelligence; which was ordered to lie ont eh table; as follows:

In section 101(d), insert ''(1)'' after ''subsection (b)''.

SA 3993. Mr. CORNYN (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(d), insert '', except that the Committee on the Judiciary shall continue to have joint jurisdiction over government information'' before the period at the end.

SA 3994. Mr. CHAMBLISS (for himself, Mr. KENNEDY, and Mr. SPECTER) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

At the end of section 101(b)(1) insert the following: ''except matters relating to the U.S. Citizenship and Immigration Service and the immigration functions of the U.S. Customs and Border Protection and the U.S. Immigration and Customs Enforcement, the Directorate of Border and Transportation Security.''.

SA 3995. Mr. BAYH (for himself, Mr. ROBERTS, Mr. WYDEN, Mrs. FEINSTEIN, Mr. MCCAIN, and Ms. SNOWE) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

Section 201 is amended by adding at the end the following:

(i) REFERRAL.—Section 3 of S. Res. 400 is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SA 3996. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101, strike subsections (b) and (c) and insert the following:

(b) JURISDICTION.—

(1) COMMITTEE.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(A) Department of Homeland Security, except matters relating to the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center, and the revenue functions of the Customs Service.

(B) Archives of the United States.

(C) Federal Civil Service.

(D) Government information.

(E) Intergovernmental relations.

(F) Municipal affairs of the District of Columbia, except appropriations therefor.

(G) Organization and reorganization of the executive branch of the Government.

(H) Postal Service.

(I) Status of officers and employees of the United States, including their classification, compensation, and benefits, except for retirement and pensions.

(2) OTHER COMMITTEES.—

(A) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—There shall be referred to the Committee on Banking, Housing, and Urban Affairs all proposed legislation, messages, petitions, memorials, and other matters relating primarily to budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(B) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—There shall be referred to the Committee on Commerce, Science, and Transporation all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the census and collection of statistics, including economic and social statistics.

(C) COMMITTEE ON RULES AND ADMINISTRATION.—There shall be referred to the Committee on Rules and Administration all proposed legislation, messages, petitions, memorials, and other matters relating primarily to congressional organization.

(D) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—There shall be referred to the Committee on Energy and Natural Resources all proposed legislation, messages, petitions, memorials, and other matters relating primarily to organization and management of United States nuclear export policy.

(E) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—There shall be referred to the Committee on Health, Education, Labor, and Pensions all proposed legislation, messages, petitions, memorials, and other matters relating primarily to Federal workforce retirement and pension benefits.

(F) COMMITTEE ON FOREIGN RELATIONS.—There shall be referred to the Committee on Foreign Relations all proposed legislation, messages, petitions, memorials, and other matters relating primarily to studying the intergovernmental relationships between the United States and international organizations of which the United States is a member.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities.

SA 3997. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101, strike subsections (b) and (c) and insert the following:

(b) JURISDICTION.—

(1) COMMITTEE.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

(A) Department of Homeland Security, except matters relating to the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center, and the revenue functions of the Customs Service.

(B) Archives of the United States.

(C) Federal Civil Service.

(D) Government information.

(E) Intergovernmental relations.

(F) Municipal affairs of the District of Columbia, except appropriations therefor.

(G) Organization and reorganization of the executive branch of the Government.

(H) Postal Service.

(I) Status of officers and employees of the United States, including their classification, compensation, and benefits, except for retirement and pensions.

(2) OTHER COMMITTEES.—

(A) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS.—There shall be referred to the Committee on Banking, Housing, and Urban Affairs all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following:

(i) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(ii) Compliance or noncompliance of corporations, companies, or individual or other entities with the rules, regulations, and law governing the various governmental agencies.

(B) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—There shall be referred to the Committee on Commerce, Science, and Transporation all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the census and collection of statistics, including economic and social statistics.

(C) COMMITTEE ON RULES AND ADMINISTRATION.—There shall be referred to the Committee on Rules and Administration all proposed legislation, messages, petitions, memorials, and other matters relating primarily to congressional organization.

(D) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—There shall be referred to the Committee on Energy and Natural Resources all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following:

(i) Organization and management of United States nuclear export policy.

(ii) Efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy resources and relations with other oil producing and consuming countries with respect to Government involvement in the control and management of energy shortages.

(E) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—There shall be referred to the Committee on Health, Education, Labor, and Pensions all proposed legislation, messages, petitions, memorials, and other matters relating primarily to Federal workforce retirement and pension benefits.

(F) COMMITTEE ON FOREIGN RELATIONS.—There shall be referred to the Committee on Foreign Relations all proposed legislation, messages, petitions, memorials, and other matters relating primarily to studying the intergovernmental relationships between the United States and international organizations of which the United States is a member.

(G) COMMITTEE ON THE JUDICIARY.—There shall be referred to the Committee on the Judiciary all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following:

(i) Syndicated or organized crime which may operate in or otherwise utilize the facilities of interstate and international commerce.

(ii) All other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities.

SA 3998. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

On page 7, between lines 20 and 21, insert the following:

SEC. 202. SENATE CONFERENCE PROCESS FOR INTELLIGENCE APPROPRIATIONS.

(a) CONFERENCE REQUIREMENT AND PROCEDURE.—

(1) IN GENERAL.—It shall not be in order for the Senate to proceed to the consideration of a bill making an intelligence appropriation unless—

(A) it is a bill that has been reported by the Committee on Appropriations;

(B) the bill has been subsequently referred to the Select Committee on Intelligence;

(C) there has been a conference between the Committees on any difference between the bill reported by the Committee on Appropriations and the bill subsequently reported by the Select Committee on Intelligence;

(E) each committee has been represented at that conference by an equal number of conferees; and

(F) the committee of conference, after full and free conference, has recommended to the Senate a bill in lieu of the bill reported by either Committee.

(2) SEQUENTIAL REFERRAL REQUIRED.—Notwithstanding any provision of the Standing Rules of the Senate to the contrary, whenever the Committee on Appropriations reports a bill making an intelligence appropriation, that bill shall be referred to the Select Committee on Intelligence for a period of not more than 30 days (disregarding any day on which the Senate is not in session).

(3) 30-DAY PERIOD.—If the Select Committee on Intelligence does not report the bill within 30 days (disregarding any day on which the Senate is not in session) after the bill is referred to it under paragraph (2), then—

(A) the Select Committee on Intelligence shall be discharged from further consideration of the bill; and

(B) no point of order under subsection (b) shall lie against the Senate's proceeding to its consideration.

(b) ENFORCEMENT.—On a point of order made by any Senator the Senate may not proceed to the consideration of a bill making an intelligence appropriation except as provided in subsection (a).

(c) SUPERMAJORITY REQUIRED FOR WAIVER.—A point of order under subsection (b) may be waived only by a motion agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn. If an appeal is taken from the ruling of the Presiding Officer with respect to such a point of order, the ruling of the Presiding Officer shall be sustained absent an affirmative vote of three-fifths of the Senators duly chosen and sworn.

(d) INTELLIGENCE APPROPRIATION DEFINED.—In this section, the term ''intelligence appropriation'' means an appropriation to provide funds for foreign or domestic intelligence operations, equipment, salaries, expenses, or other intelligence-related activities of the United States, other than an amount appropriated to the Secretary of Defense or to or for the use of an agency or office of the Department of Defense.

SA 3999. Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, Ms. SNOWE, and Mr. ROBERTS) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

Strike section 402 and insert the following:

SEC. 402. JURISDICTION OVER INTELLIGENCE APPROPRIATIONS.

Notwithstanding subparagraph (b) of paragraph 1 of Rule XXV of the Standing Rules of the Senate, the Select Committee on Intelligence shall have jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation, rescission of appropriations, and new spending authority related to funding for intelligence matters.

SA 4000. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

On page 2, beginning in line 13, strike ''to the Transportation Security Administration,''.

SA 4001. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr.

MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

On page 2, line 13, strike ''Coast Guard,'' and insert ''Coast Guard (other than functions of the Coast Guard related to homeland security),''.

SA 4002. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b)(1), strike ''Coast Guard, to the Transportation Security Administration,'' and insert ''Coast Guard (other than functions of the Coast Guard related to homeland security),''.

SA 4003. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b)(1), insert after ''Customs Service'' the following:

'', and energy infrastructure''.

SA 4004. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b)(1), insert after ''Customs Service'' the following:

'', and energy infrastructure''.

SA 4005. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Section 101 is amended by striking subsection (d).

SA 4006. Mr. LEAHY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Section 101(b) is amended by striking paragraph (7).

SA 4007. Mr. LEAHY (for himself, Mr. HATCH, Mr. SESSIONS, Mr. SPECTER, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b)(1), after ''administration,'' strike ''and'', and after ''Center,'' insert ''to the United States Secret Service,''.

SA 4008. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 102. CLARIFICATION OF JURISDICTION.

Nothing in this resolution shall diminish the jurisdiction of the Committee on the Judiciary over matters relating to privacy and civil liberties.

SA 4009. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b)(1), after ''Service'' insert '', the Bureau of Customs and Border Protection, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration and Customs Enforcement, and matters relating to the immigration functions of the Directorate of Border and Transportation Security''.

SA 4010. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 201, at the end of subsection (g), add the following:

''(d) Of the funds made available to the select Committee for personnel—

''(1) not more than 55 percent shall be under the control of the Chairman; and

''(2) not less than 45 percent shall be under the control of the Vice Chairman.''.

SA 4011. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b), strike paragraph (10) and insert the following:

(10) Matters relating to organization and management of United States nuclear export policy shall be referred to the Committee on Energy and Natural Resources.

SA 4012. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Section 101(b) is amended by—

(1) striking paragraph (10); and

(2) adding at the end the following:

''Matters relating to organization and management of United States nuclear export policy shall be referred to the Committee on Energy and Natural Resources.''.

SA 4013. Mr. KYL submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

On page 7, line 4, strike '', and shall have full'' and all that follows through line 6, and insert the following: ''. Personal designated representatives shall have the same access to select Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.''.

SA 4014. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 402, strike the second sentence.

SA 4015. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 402, strike the second sentence and insert the following: ''The Committee on Appropriations shall reorganize into 13 subcommittees not later than 2 weeks after the convening of the 109th Congress.''.

SA 4016. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr.

FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 402, strike the second sentence and insert ''The Subcommittee on the Legislative Branch shall be combined with the Subcommittee on Commerce, Justice, State, and the Judiciary into 1 subcommittee.''.

SA 4017. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 402, strike the second sentence and insert ''The Subcommittee on the Legislative Branch shall be combined with the Subcommittee on VA, HUD, and Independent Agencies into 1 subcommittee.''.

SA 4018. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

In section 201, strike subsection (h) and insert the following:

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

''SEC. 17. (a) The select Committee shall have final responsibility for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

''(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.''.

SA 4019. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

In section 201, strike subsection (g) insert the following:

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

''SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

''(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

''(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.''.

SA 4020. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 201, add at the end the following:

(i) ELIMINATION OF REFERRAL.—

(1) REFERRAL.—Section 3 of S. Res. 400 is amended by—

(A) striking subsection (b); and

(B) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of adoption of this resolution.

SA 4021. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

On page 5, after line 3, insert the following:

''(C) The Chairman and Ranking Member of the Committee on Foreign Relations (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.''.

SA 4022. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . JOINT REFERRAL.

(a) When the Senate receives from the House a bill making an intelligence appropriation the bill then be jointly referred to the Committee on Appropriations and the Select Committee on Intelligence;

(b) If the Committee on Appropriations reports a bill making an intelligence appropriation the bill then will be jointly referred to the Committee on Appropriations and the Select Committee on Intelligence;

SEC. . POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order for the Senate to proceed to the consideration of a bill making intelligence appropriation unless it has been referred to the Committee on Appropriations and the Select Committee on Intelligence;

(b) SUPERMAJORITY REQUIRED FOR WAIVER.—A point of order under subsection (a) of this section may be waived only by a motion to proceed which is agreed to by the affirmative vote of three-fifths of the Senators duly chosen and sworn.

SEC. . INTELLIGENCE APPROPRIATIONS.

DEFINED.—The term ''intelligence appropriation'' means an appropriation to provide funds for foreign or domestic intelligence operations, equipment, salaries, expenses, or other intelligence-related activities of the United States.

SA 4023. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 102. CLARIFICATION OF JURISDICTION.

Nothing in this resolution shall be construed to grant the Committee on Homeland Security and Governmental Affairs primary jurisdiction over any federal governmental entity whose primary responsibility is enforcement of Title 18, including the Department of Justice, Federal bureau of Investigation, or other criminal law enforcement entity currently under the jurisdiction of the Committee on the Judiciary unless otherwise modified by this resolution.

SA 4024. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of title I, insert the following:

SEC. 102. CLARIFICATION OF JURISDICTION.

Nothing in this resolution shall diminish the primary jurisdiction of the Committee on the Judiciary over matters relating to the administration of justice, including the criminal law and law enforcement entities including the Department of Justice and the Federal Bureau of Investigation.

SA 4025. Mr. MCCONNELL (for himself and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 100. PURPOSE.

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

TITLE I—HOMELAND SECURITY OVERSIGHT REFORM

SEC. 101. HOMELAND SECURITY.

(a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center, and the revenue functions of the Customs Service.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF SENATE COMMITTEES.—The jurisdiction of the Committee on Homeland Security and Governmental Affairs provided in subsection (b)(1) shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate.

TITLE II—INTELLIGENCE OVERSIGHT REFORM

SEC. 201. INTELLIGENCE OVERSIGHT.

(a) COMMITTEE ON ARMED SERVICES MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress) (referred to in this section as ''S. Res. 400'') is amended by—

(1) inserting ''(A)'' after ''(3)''; and

(2) inserting at the end the following:

''(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.''.

(b) NUMBER OF MEMBERS.—Section 2(a) of S. Res. 400 is amended—

(1) in paragraph (1), by inserting ''not to exceed'' before ''fifteen members'';

(2) in paragraph (1)(E), by inserting ''not to exceed'' before ''seven''; and

(3) in paragraph (2), by striking the second sentence and inserting ''Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.''.

(c) ELIMINATION OF TERM LIMITS.—Section 2 of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(d) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(b) of S. Res. 400, as redesignated by subsection (c) of this section, is amended by striking the first sentence and inserting the following: ''At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee.''.

(e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as amended by subsections (a) through (d), is amended by adding at the end the following:

''(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.''.

(f) REPORTS.—Section 4(a) of S. Res. 400 is amended by inserting '', but not less than quarterly,'' after ''periodic''.

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

''SEC. 15. (a) The select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

''(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces, and shall have full access to select Committee staff, information, records, and databases.

''(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee clearance requirements for employment by the select Committee.''.

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

''SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and voting on civilian persons nominated by the President to fill a position within the intelligence community that requires the advice and consent of the Senate.

''(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with that person.''.

TITLE III—COMMITTEE STATUS

SEC. 301. COMMITTEE STATUS.

(a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Subcommittee on Military Construction shall be combined with the Subcommittee on Defense into 1 subcommittee.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This resolution shall take effect on the convening of the 109th Congress.

SA 4026. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of Section 101, insert the following:

''(e) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, including:

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables of Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as ''rescissions'' and ''deferrals'';

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or

the calculation of such amounts, including the definition of terms provided by the Budget Act.

''(f) OMB NOMINEES.—The Committee on the Budget and the Governmental Affairs Committee shall have joint jurisdiction over reviewing, holding hearings, and voting on persons nominated by the President to fill positions within the Office of Management and Budget that require the advice and consent of the Senate, and if one committee acts on such a nomination, the other must act within 30 calendar days of continuous possession, or be automatically discharged.

SA 4027. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, which was ordered to lie on the table; as follows:

At the end of Section 101, insert the following:

''(e) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, including:

(1) the functions, duties, and power of the Budget Committee;

(2) the function, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as ''rescissions'' and ''deferrals'';

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.''

SA 4028. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In Section 101(b), strike paragraph (3), and insert in its place the following:

''(3) Management and accounting measures; and the Committee on the Budget and the Governmental Affairs Committee shall have joint jurisdiction over reviewing, holding hearings, and voting on persons nominated by the President to fill positions within the Office of Management and Budget that require the advice and consent of the Senate, and if one committee acts on such a nomination, the other must act within 30 calendar days of continuous possession, or be automatically discharged.''

SA 4029. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In Section 101(b), strike paragraph (3), and insert in its place the following:

''(3) Management and accounting measures.''

SA 4030. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

At the end of section 201, insert the following:

(i) JURISDICTION.—Section 3(b) of S. Res. 400 is amended to read as follows:

''(b)(1) Any proposed legislation reported by the select Committee except any legislative involving matters specified in paragraph (1) or (4)(A) of subsection (a), containing any legislative actions or budgetary provisions directly affecting any agencies, departments, activities, or programs of the United States Government within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any legislative involving matters specified in clause (i) or paragraph (4)(A) of subsection (a), containing any legislative actions or budgetary provisions directly affecting any agencies, departments, activities, or programs of the United States Government within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

''(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise.

''(3) In computing any 10-day period under this subsection there shall be excluded from such computation any days on which the Senate is not the session.

''(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.''.

SA 4031. Mr. ROCKEFELLER (for himself and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

On page 6, line 11, of the amendment, strike ''quarterly'' and insert ''annual''.

SA 4032. Mr. REID submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 201, strike subsection (a) and insert the following:

(a) EX OFFICIO MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400 is amended by—

(1) inserting ''(A)'' after ''(3)''; and

(2) inserting at the end the following:

''(B) The Chairman and Ranking Member of the Committee on Armed Services and the Committee on Foreign Relations (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the select Committee and shall not be counted for purposes of determining a quorum.''.

SA 4033. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Strike section 101(b)(1) of the resolution and insert the following:

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center, the revenue functions of the Customs Service,

(B) the Strategic National Stockpile as authorized by section 319F–2 of the Public Health Service Act,

(C) the National Disaster Medical System as authorized by section 2811(b) of the Public Health Service Act, and

(D) the office of the Assistant Secretary for Public Health Emergency Preparedness (ASPHEP) as authorized by section 2811(a) of the Public Health Service Act.

SA 4034. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

In section 101(b), strike paragraph (1) and insert the following:

(1) Department of Homeland Security, except matters relating to the functions of the Coast Guard not related to homeland security, the Federal Law Enforcement Training Center, and the revenue functions of the Customs Service.

SA 4035. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the end of section 201, insert the following:

(i) SECURITY PROCEDURES.—Section 7 of S. Res. 400 is amended to read as follows:

''SEC. 7. (a) At the beginning of each Congress, the select Committee also shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. The rules and procedures of the select Committee shall be formulated jointly with the Office of Senate Security and shall be subject to the approval of that office.

''(b) The select Committee shall inform the Office of Senate Security not later than 30 days prior to making any changes to the rules and procedures of the select Committee, which shall be contingent upon the approval of the Office of Senate Security.

''(c) Nothing in this section shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.''.

(j) PUBLIC DISCLOSURE.—Section 8 of S. Res. 400 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''shall notify the President of such vote'' and inserting ''shall—

''(A) first, notify the Majority Leader and Majority Leader of the Senate of such vote; and

''(B) second, notify the President of such vote.'';

(B) in paragraph (2), by striking ''transmitted to the President'' and inserting ''transmitted to the Majority Leader and the Minority Leader and the President''; and

(C) by amending paragraph (3) to read as follows:

''(3) If the President, personally, in writing, notifies the majority leader of the Senate or select committee of his objections to the disclosure of such information as provided in paragraph (2), such the majority leader of th committee may, refer to the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f) and inserting after subsection (c) the following:

''(d) Any known or possible loss or compromise of classified material which comes to the attention of the Select Committee or its personnel shall be immediately reported to the Office of Senate Security. The Office of Senate Security shall investigate the reported incident in accordance with the procedures set forth in the Senate Security Manual, and shall report the results of said investigation to the Committee and to the Joint Leadership.'';

(3) in subsection (e), as redesignated by paragraph (2) (old (d)), by striking ''Senate Select Committee on Ethics'' and inserting ''Office of Senate Security''; and

(4) in subsection (f), as redesignated by paragraph (2) (old (e)), is amended to read as follows:

''(f) Upon the request of any person who is subject to any such investigation, the Office of Senate Security shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Office of Senate Security determines that there has been a breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the majority leader and minority leader of the Senate.''.

SA 4036. Mr. DURBIN proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

In section 201, at the end of subsection (g), add the following:

''(d) Of the funds made available to the select Committee for personnel—

''(1) not more than 55 percent shall be under the control of the Chairman; and

''(2) not less than 45 percent shall be under the control of the Vice Chairman.''.

SA 4037. Mr. HATCH (for Mr. LEAHY (for himself, Mr. SPECTER, and Mr. HATCH)) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

In section 101(b)(1), after ''Service'' insert '', and the Secret Service''.

SA 4038. Mr. MCCONNELL (for Mr. SHELBY (for himself and Mr. SARBANES)) proposed an amendment to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

At the appropriate place, insert the following:

''*Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.''.

SA 4039. Mr. SHELBY (for himself and Mr. SARBANES) submitted an amendment intended to be proposed by him to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

At the appropriate place insert the following: ''*Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the Currency and Financial Transaction Reporting Act.

SA 4040. Mr. BINGAMAN (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; as follows:

Section 101(b) is amended by—

(1) striking paragraph (10); and

(2) adding at the end the following:

''Matters relating to organization and management of United States nuclear export policy (except programs in the Homeland Security) shall be referred to the Committee on Energy and Natural Resources.''.

SA 4041. Mr. NICKLES (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 4027 submitted by Mr. NICKLES (for himself and Mr. CONRAD) and intended to be proposed to the amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Strike all after the first word, and insert the following:

JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are:

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as ''rescissions'' and ''deferrals'';

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in our excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(f) OMB NOMINEES.—the Committee on the Budget and the Governmental Affairs Committee shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

SA 4042. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 4015 submitted by Mrs. HUTCHISON and intended to be proposed to the amendment SA 3981 proposed by Mr. MCCONNELL (for himself, Mr. REID, Mr. FRIST, and Mr. DASCHLE) to the resolution S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence; which was ordered to lie on the table; as follows:

Strike ''not later than 2 weeks'' and insert ''as soon as possible''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 7, 2004, at a time to be determined, for the purposes of conducting a vote on pending committee business.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MCCONNELL. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation Committee be authorized to meet on Thursday, October 7, 2004, at 9:30 a.m., on the Effect of Federal Bankruptcy and Pension Policy on the Financial Situation of the Airlines.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, October 7, 2004 in Dirksen Senate Office Room 226.

Agenda:

I. Nominations: Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit and Robert Cramer Balfe to be U.S. Attorney for the Western District of Arkansas.

II. Legislation: S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer; S. 2204, A bill to provide criminal penalties for false information and hoaxes relating to terrorism Act of 2004, Hatch, Schumer, Cornyn, Feinstein, DeWine; S. 1860, A bill to reauthorize the Office of National Drug Control Policy Act of 2003, Hatch, Biden, Grassley; S. 2560, A bill to amend chapter 5 of title 17, United States Code, relating to inducement of copyright infringement, and for other purposes Act 2004, Hatch, Leahy, Graham; S.J. Res. 23, A joint resolution proposing an amendment to the Constitution of the United States providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated Act of 2003, Cornyn, Chambliss; S. 2373, A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names Act of 2004, Domenici, Graham, Sessions; S. 2863, A bill to reauthorize the Department of Justice Act of 2004, Hatch, Leahy, DeWine, Schumer; H.R. 2391, To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises Act of 2003, Smith—TX; S. 2760, A bill to limit and expedite Federal collateral review of convictions for killing a public safety officer Act of 2004, Kyl, Hatch, Craig, Cornyn, Sessions, Chambliss; S. 1297, A bill to amend title 28, United State Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag Act of 2003, Hatch, Talent, Kyl; S. 2302, A bill to improve access to physicians in medically underserved areas Act of 2004, Conrad, Feingold, Kennedy, Schumer, DeWine, Kohl; S. 989, A bill to provide death and disability benefits for aerial firefighters who work on a contract basis for a public agency and suffer death or disability in the line of duty, and for other purposes Act of 2003, Enzi, Reid; S. 1728, Terrorism Victim Compensation Equity Act of 2003, Specter, Leahy, Schumer; S. 1740, Anthrax Victims Fund Fairness Act of 2003, Leahy, Feingold; S. 549, A bill to amend the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42) to provide compensation for victims killed in the bombing of the World Trade Center in 1993, and for other purposes Act of 2003, Schumer; and S. 2268, Private Bill; A bill for the relief of Griselda Lopez Negrete, Graham—SC.

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Wade Glover, a member of my Finance Committee staff, be granted the privileges of the floor during today's session.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Kovac, a detailee from the Department of Justice, and Nicholas Rossi, a detailee from the Federal Bureau of Investigation, be granted the privilege of the floor for the remainder of the 108th session.

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

MEASURE READ THE FIRST TIME—S. 2938

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

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

The legislative clerk read as follows:

A bill (S. 2938) to grant a Federal charter to the National American Indian Veterans, Incorporated.

Mr. MCCONNELL. I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

APPOINTMENTS

The PRESIDING OFFICER. The Chair on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senator PATRICK LEAHY of Vermont and Senator DIANE FEINSTEIN of California.

The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, appoints the following individuals to serve as members of the Coordinating Council on Juvenile Justice and Delinquency Prevention: The Honorable Steven H. Jones of Tennessee, Mr. Bill Gibbons of Tennessee and, Mr. Larry K. Brendtro of South Dakota.

ORDERS FOR FRIDAY, OCTOBER 8, 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. tomorrow, Friday, October 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; provided further, that the Senate then immediately proceed to the consideration of the conference report to accompany H.R. 4520, the FSC/ETI JOBS bill, provided it is available. I further ask unanimous consent that the majority leader then be recognized in order to file a cloture motion on the conference report. I further ask unanimous

consent that following the filing of that cloture motion, the Senate proceed to a cloture vote on the pending substitute amendment to S. Res. 445.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow morning, the Senate will begin consideration of the FSC/ETI JOBS conference report. We will be unable to reach a limited time for debate; therefore, cloture will be filed on the conference report. At approximately 9:15 a.m., the Senate will begin the first cloture vote on the pending substitute amendment to the intelligence resolution. It is my expectation that cloture will be invoked, and we should be able to adopt the substitute shortly thereafter and then proceed to the cloture vote on the underlying resolution.

I also encourage Senators who wish to offer the amendments that are listed on the amendment list approved earlier tonight to come forward and offer those amendments. We hope to dispose of those tomorrow. Following the disposition of the resolution, the Senate will resume consideration of the FSC/ETI JOBS conference report.

Again, we have been unable to lock in a time certain for a vote on the conference report, and it appears cloture will be necessary. We will continue to work with all Members to move forward on our remaining work. As I mentioned earlier, we will finish both the Senate intelligence reform resolution and the FSC conference report prior to adjourning, as well as the Homeland Security appropriations conference report and/or Defense conference report as they are available.

Mr. REID. Will the Senator yield to me for a brief minute?

Mr. MCCONNELL. Mr. President, I ask unanimous consent to waive the live quorum vote prior to cloture.

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

The Senator from Nevada.

Mr. REID. Mr. President, this second part of the 9/11 Commission recommendations is winding down. I know there has been a lot of hurt feelings today: You took too much from my committee; you are not giving enough to my committee.

People are very protective of what they have around here and what they fear they might lose. I have been chairman of the Environment and Public Works Committee on two separate occasions, and transferred from the Environment and Public Works Committee today was a very important aspect of the Public Works Committee, FEMA, the Federal Emergency Management Administration.

I only indicate that because when the dust settles, we will find that we have created a much more powerful Intelligence Committee, a much more powerful intelligence apparatus, and we will find that the homeland security committee, which we have created, merged with the Governmental Affairs Committee, is going to be one of the most powerful committees in the Congress of the United States.

As I said, there are a lot of hurt feelings. This has been very difficult for Senator MCCONNELL and I. We did not run for this assignment to manage this bill, but this is part of the responsibilities we have, and we have done the very best we can.

I hope tomorrow people will sit back and rather than lamenting what they did not get or what they felt they should get, they will understand what we are doing. This is part of the recommendations of the 9/11 Commission. Always remember this is legislation, it is not perfection. Legislation is the art of compromise, and I believe that includes consensus building, which we have done.

I want to again, through the Chair, extend my appreciation to the distinguished Senator from Kentucky. This has been extremely difficult for him and for me, but this is part of our responsibilities. I want to express my admiration and appreciation for his cooperation in allowing us to move forward on this legislation.

Mr. MCCONNELL. Mr. President, I thank my friend from Nevada for his kind comments. I will have a good deal more to say about him tomorrow as well because this has been a challenging undertaking. I do think we have made substantial progress, if not having achieved everything we hoped, but I think we have come a long way in the right direction.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator PRYOR.

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

The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 2941 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until Friday, October 8 at 9 a.m.

There being no objection, the Senate, at 11:29 p.m., adjourned until Friday, October 8, 2004, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 2004:

COMMODITY FUTURES TRADING COMMISSION

FEDERICK WILLIAM HATFIELD, OF CALIFORNIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2008, VICE THOMAS J. ERICKSON, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE JEFFREY RUSH, JR., RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006, VICE JOSEPH FRANCIS GLENNON, TERM EXPIRED.

GENERAL SERVICES ADMINISTRATION

BRIAN DAVID MILLER, OF VIRGINIA, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION, VICE DANIEL R. LEVINSON.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

EDWARD L. FLIPPEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE J. RUSSELL GEORGE.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOIR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

RALPH L. BOYCE JR., OF VIRGINIA
MAURA A. HARTY, OF MARYLAND
RICHARD H. JONES, OF VIRGINIA
NANCY J. POWELL, OF IOWA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

BERNARD ALTER, OF COLORADO
PERRY EDWIN BALL, OF VIRGINIA
MARSHA E. BARNES, OF FLORIDA
JOHN ROSS BEYRLE, OF THE DISTRICT OF COLUMBIA
ROBERT O. BLAKE JR., OF THE DISTRICT OF COLUMBIA
TERRY ALAN BREESE, OF CALIFORNIA
JEFFERSON T. BROWN, OF NEW JERSEY
DONALD CAMP, OF VIRGINIA
DOUGLAS A. DAVIDSON, OF VIRGINIA
MILTON K. DRUCKER, OF VIRGINIA
JAMES BRENDAN FOLEY, OF NEW YORK
BURLEY P. FUSELIER JR., OF VIRGINIA
RICHARD F. GONZALEZ, OF CALIFORNIA
GORDON GRAY III, OF VIRGINIA
DEBORAH E. GRAZE, OF VIRGINIA
SUNETA LYN HALLIBURTON, OF NEW YORK
ROSEMARY ELLEN HANSEN, OF VIRGINIA
LAWRENCE N. HILL, OF CALIFORNIA
KATHLEEN V. HODAI, OF WASHINGTON
JEANINE ELIZABETH JACKSON, OF WYOMING
ANDREW C. KOSS, OF VIRGINIA
GEORGE ALBERT KROL, OF NEW JERSEY
DUNCAN H. MACINNES, OF VIRGINIA
GAIL DENNISE MATHIEU, OF NEW JERSEY
JAMES D. NEALON JR., OF NEW HAMPSHIRE
ANDREA J. NELSON, OF NEW YORK
KAREN L. PEREZ, OF MARYLAND
GARY B. PERGL, OF CALIFORNIA
JUNE CARTER PERRY, OF THE DISTRICT OF COLUMBIA
EUNICE S. REDDICK, OF NEW YORK
JOHN G. RENDEIRO JR., OF PENNSYLVANIA
NICHOLAS J. RIESLAND, OF WASHINGTON
JAMES E. ROBERTSON, OF MARYLAND
JOSIAH B. ROSENBLATT, OF NEW YORK
PAUL J. SAXTON, OF VIRGINIA
STEPHEN A. SECHE, OF NEW HAMPSHIRE
PAMELA JO H. SLUTZ, OF TEXAS
RICHARD HENRY SMYTH, OF VIRGINIA
GREGORY BOWNE STARR, OF VIRGINIA
DAVID C. STEWART, OF TEXAS
MARK TAPLIN, OF CALIFORNIA
HARRY KEELS THOMAS JR., OF NEW YORK
J. PATRICK TRUHN, OF THE DISTRICT OF COLUMBIA
CAROL LEE VAN VOORST, OF VIRGINIA
PHILIP R. WALL, OF WASHINGTON
JACOB WALLES, OF THE DISTRICT OF COLUMBIA
DON QUINTIN WASHINGTON, OF CALIFORNIA
DONALD EUGENE WELLS, OF TEXAS
CHARLES D. WISECARVER JR., OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

GINA ABERCROMBIE-WINSTANLEY, OF OHIO
BARBARA S. AYCOCK, OF OREGON
CHARLES V. BARCLAY JR., OF CALIFORNIA
ROBERT C. BRYSON, OF SOUTH DAKOTA
THOMAS R. CARMICHAEL, OF FLORIDA
PHILLIP CARTER III, OF VIRGINIA
LEIGH G. CARTER, OF FLORIDA
PETER CLAUSSEN, OF SOUTH DAKOTA
MAURA CONNELLY, OF NEW JERSEY
MICHAEL HUGH CORBIN, OF CALIFORNIA
ELIZABETH A. CORWIN, OF FLORIDA

RICHARD DE VILLAFRANCA, OF CONNECTICUT
MICHAEL JOHN DELANEY, OF MISSOURI
GREGORY TORRENCE DELAWIE, OF VIRGINIA
JAMES C. DICKMEYER, OF OHIO
LINDA L. DONAHUE, OF VIRGINIA
KAARA NICOLE ETTESVOID, OF NEW YORK
KENNETH J. FAIRFAX, OF CALIFORNIA
ANTHONY O. FISHER, OF FLORIDA
LMICHAEL GFOELLER, OF VIRGINIA
DAVID M. HALE, OF NEW JERSEY
PATRICIA MCMAHON HAWKINS, OF NEW HAMPSHIRE
JOHN ASHWOOD HEFFERN, OF VIRGINIA
KENNETH M. HILLAS JR., OF VIRGINIA
PHILLIP P. HOFFMAN, OF NEW YORK
STUART E. JONES, OF PENNSYLVANIA
ALEXANDER KARAGIANNIS, OF MISSOURI
DAVID JOSEPH KEEGAN, OF FLORIDA
DANIEL F. KELLER, OF TEXAS
MARTHA NOVICK KELLEY, OF VIRGINIA
THOMAS PATRICK KELLY, OF CALIFORNIA
THOMAS M. LEARY, OF FLORIDA
JESSICA LECROY, OF TEXAS
THERESA MARY LEECH, OF VIRGINIA
STEVEN SCULLY MALONEY, OF MARYLAND
MARY F. MARTINEZ, OF CALIFORNIA
CHRISTOPHER J. MARUT, OF CONNECTICUT
LESLIE W. MCBEE, OF CALIFORNIA
CAMERON PHELPS MUNTER, OF CALIFORNIA
EFFRY R. OLESEN, OF VIRGINIA
RICHARD GUSTAVE OLSON JR., OF MARYLAND
MICHAEL S. OWEN, OF TENNESSEE
WALTER PFLAUMER, OF VIRGINIA
CONSTANCE A. PHLIPOT, OF VIRGINIA
DANIEL WILLIAM PICCUTA II, OF CALIFORNIA
ROBERTO POWERS, OF CALIFORNIA
EDWARD JAMES RAMOTOWSKI, OF CONNECTICUT
FRANKIE ANNETTE REED, OF CALIFORNIA
KEVIN RICHARDSON, OF NEW JERSEY
DONNA J. ROGINSKI, OF TEXAS
DOUGLAS ROHN, OF VIRGINIA
DANIEL RICHARD RUSSEL, OF CALIFORNIA
WAYNE STEVEN SALISBURY, OF WASHINGTON
DUANE E. SAMS, OF CONNECTICUT
ROBERT C. SCHMIDT, OF HAWAII
DAVID SAMUEL SEDNEY, OF MASSACHUSETTS
DANIEL L. SHIELDS III, OF PENNSYLVANIA
MARC J. SIEVERS, OF MARYLAND
DOUGLAS A. SILLIMAN, OF TEXAS
SANDRA RUGHT SMITH, OF MISSOURI
JULIA REEVES STANLEY, OF NEW YORK
KAREN CLARK STANTON, OF VIRGINIA
RICHARD W. STITES, OF CALIFORNIA
JAMES C. SWAN, OF CALIFORNIA
MATTHEW HEYWOOD TUELLER, OF UTAH
KRISHNA R. URS, OF TEXAS
HUGH FLOYD WILLIAMS, OF MARYLAND
JAMES L. WILLIAMS, OF FLORIDA
STEPHAN BRYAN WILLIAMS, OF VIRGINIA
THOMAS M. YOUNG, OF CALIFORNIA
MARIE L. YOVANOVITCH, OF CONNECTICUT

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ISMAIL G. ASMAL, OF VIRGINIA
DARWIN D. CADOGAN, OF NEW YORK
MICHAEL ALLEN CESENA, OF WASHINGTON
JAMES L. CLEVELAND, OF CALIFORNIA
MICHAEL GREGORY CONSIDINE, OF NEW YORK
NACE B. CRAWFORD, OF FLORIDA
JEFFREY W. CULVER, OF VIRGINIA
MICHAEL JOSEPH DARMIENTO, OF VIRGINIA
DEBORAH P. GLASS, OF WASHINGTON
ROBERT A. HARTUNG, OF VIRGINIA
PETER KINCAID JENSEN, OF NEW HAMPSHIRE
STANLEY J. JOSEPH, OF VIRGINIA
DANNY DUANE LOCKWOOD, OF VIRGINIA
HARRY WAYNE LUMLEY, OF TEXAS
BRADLEY C. LYNCH, OF CALIFORNIA
ROBERT MCKINNIE, OF TENNESSEE
MARCIA A. MECKLER, OF PENNSYLVANIA
KIMBERLY K. OTTWELL, OF ARIZONA
CHARLES H. ROSENFARB, OF MARYLAND
SAMUEL B. THEILMAN, OF NORTH CAROLINA
BRUCE W. TULLY, OF MARYLAND
MARILYN M. WANNER, OF VIRGINIA
JAMES C. WELLMAN, OF WEST VIRGINIA
ROBERT J. WHIGHAM, OF NEW YORK

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBERT M. CLAY, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, COUNSULAR OFFICE AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JENNIFER M. ADAMS, OF NEW YORK
SUSAN L. ANTHONY, OF SOUTH DAKOTA
BEVERLY A. HADLEY, OF NEW JERSEY
JOHN R. NIEMEYER, OF ILLINOIS
TANYA J. NUNN, OF THE DISTRICT OF COLUMBIA
M. BABETTE PREVOT, OF TEXAS
DEAN P. SALPINI, OF VIRGINIA
MARGARET KINKOPF WITHERSPOON, OF VIRGINIA
ROSEMARY T. RAKAS, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

BRUCE N. ABRAMS, OF CONNECTICUT
ARTHUR W. BROWN JR., OF FLORIDA
ELIZABETH ARIEVA CHAMBERS, OF VIRGINIA
CLAY WILLIAM EPPERSON, OF CALIFORNIA
YVETTE MARIE FEURTADO, OF FLORIDA
SEAN PATRICK HALL, OF NEW YORK
ANDREW DAVID HOLLAND, OF CALIFORNIA
JAMES MICHAEL HOPE, OF VIRGINIA
CHERYL KIM, OF CALIFORNIA
COURTNEY IVES, OF MARYLAND
REBECCA OTTKE KRZYWDA, OF VIRGINIA
DANIEL C. MOORE II, OF CALIFORNIA
DEBORAH I. MOSEL, OF CALIFORNIA
MARISA ANN PARENTE, OF RHODE ISLAND
NEIL GERARD PRICE, OF VIRGINIA
THOMAS E. RHODES, OF FLORIDA
KATHRYN DAVIS STEVENS, OF TEXAS
NATALIE JOY THUNBERG, OF PENNSYLVANIA
JESSICA ROSEN TULODO, OF NEW HAMPSHIRE
KAREN LEA WELCH, OF FLORIDA
ANNE NADIA WILLIAMS, OF FLORIDA
ALLAN JOSEPH ALONZO WIND, OF FLORIDA

DEPARTMENT OF STATE

DAVID S. ELMO, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ALISON VAL AREIAS, OF CALIFORNIA
STEPHEN MICHAEL ASHBY, OF FLORIDA
WILLIAM M. AYALA, OF CALIFORNIA
CHRISTINA N. BOILER, OF CALIFORNIA
ANN ELIZABETH DONICK, OF NEW YORK
JAY DOUGLAS DYKHOUSE, OF MICHIGAN
ANDREW LANE FLASHBERG, OF CALIFORNIA
MARC WILLIAM FUNGARD, OF VIRGINIA
SILVIO I. GONZALEZ, OF TEXAS
SHERMAN L. GRANDY, OF IDAHO
KAREN LOUISE GUSTAFSON DE ANDRADE, OF COLORADO
KERRI STRENG HANNAN, OF FLORIDA
ELIZABETH KATHRYN HORST, OF MINNESOTA
KEITH E. HUGHES, OF NEW YORK
KENNETH ANDREW LKERO, OF VERMONT
ANGELA M. KERWIN, OF PENNSYLVANIA
KATHERINE E. LAWSON, OF MARYLAND
PANFILO MARQUEZ, OF CALIFORNIA
CRYSTAL KATHRYN MERIWETHER, OF MINNESOTA
LISA L. MEYER, OF MARYLAND
DAVID MUNIZ, OF VIRGINIA
CARRIE LYNN MUNTEAN, OF VIRGINIA
WILLIAM G. MUNTEAN III, OF VIRGINIA
JEREMY M. NEITZKE, OF OHIO
MICHAEL ANTHONY NEWBILL, OF ILLINOIS
MICHAEL THOMAS PASCUAL, OF MARYLAND
TERESA D. PEREZ, OF TEXAS
STEPHEN J. POSIVAK JR., OF VIRGINIA
VAN E. REIDHEAD, OF MISSOURI
DAVID JAMES ROVINSKY, OF PENNSYLVANIA
MICHAEL J. SCHREUDER, OF MICHIGAN
SAMEER VIJAY SHETH, OF FLORIDA
DAVID BRYANT TULLOCH, OF CALIFORNIA
DEREK HARRY WESTFALL, OF TEXAS
ELIZABETH SOPHIA WHARTON, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

DONALD P. PEARCE, OF NEW YORK

DEPARTMENT OF STATE

AMIR A. ABBOUND, OF VIRGINIA
S. NAJLAA ABDUS-SAMAD, OF NEW YORK
CORI ANN ALSTON, OF TEXAS
DANIEL H. AMBROSE, OF PENNSYLVANIA
FOREST G. ATKINSON, OF CALIFORNIA
JOHN D. BAILS, OF MICHIGAN
CHELSEA M. H. BAKKEN, OF VIRGINIA
DANIELA A. BALLARD, OF CALIFORNIA
GAURAV BANSAL, OF OHIO
ANN BARROW, OF FLORIDA
TODD M. BATE-POXON, OF FLORIDA
RALPH F. BEAHM, OF VIRGINIA
MATTHEW KENNETH BEH, OF NEW YORK
ANNE M. BENNETT, OF NEVADA
MARIJU LIBO-ON BOFILL, OF WEST VIRGINIA
JAMES B. BONGIOLATTI, OF VIRGINIA
JOANIE BROOKS-LINDSAY, OF CALIFORNIA
STACI A. BROTHERS-JACKSON, OF MARYLAND
D. A. BROWN, OF FLORIDA
BRIAN CARBAUGH, OF THE DISTRICT OF COLUMBIA
CASSANDRA CARRAWAY, OF CALIFORNIA
LAWRENCE R. CARSON, OF MARYLAND
ERIC CATALFAMO, OF FLORIDA
ETHAN DANIEL CHORIN, OF CALIFORNIA
GORDON S. CHURCH, OF TENNESSEE
JEANNE L. CLARK, OF NEW YORK
BOBBY CLAYTON, OF VIRGINIA
CHRISOPHER T. CORTESE, OF FLORIDA
FRANCES JUANITA CRESPO, OF TEXAS
DEEPIKA DAYAL, OF THE DISTRICT OF COLUMBIA
YAHYH AHMAD DEHQANZADA, OF VIRGINIA
PETER L. DELACY, OF VIRGINIA
SHELLY J. DITTMAR, OF NEW YORK
KATYA DMITRIEVA, OF NEW YORK
REBECCA EVE DODDS, OF OHIO
ERIN LYNN EDDY, OF SOUTH DAKOTA
JUSTIN M. ELICKER, OF THE DISTRICT OF COLUMBIA
JOSEPH T. FARRELLY, OF THE DISTRICT OF COLUMBIA
REES M. FISCHER, OF FLORIDA
RICHARD BRADLEY FISHER, OF VIRGINIA
MICHAEL FITZPATRICK, OF MARYLAND
JAMIE FETNER FORD, OF TEXAS
PHILIP B. GALE, OF MARYLAND
PETER PAUL GALUS, OF CALIFORNIA
ANITA GHILDYAL, OF MISSOURI
EMILY A. GLOYD, OF MARYLAND
AARON GREENSTONE, OF THE DISTRICT OF COLUMBIA
JANINE E. GUSTAFSON, OF THE DISTRICT OF COLUMBIA
NOAH N. HARDIE, OF VIRGINIA
DANIEL E. HALL, OF ARIZONA
LESLEY M. HAYDEN, OF MINNESOTA
MARIA HERBST, OF ALASKA
SAUL ANTONIO HERNANDEZ, OF GEORGIA
ERIN C. HILLIARD-COMBS, OF VIRGINIA
KARY I. HINTZ-TATE, OF VIRGINIA
ROBERT L. HOLBY, OF FLORIDA
COURTNEY B. HOUK, OF FLORIDA
MICHAEL C. HUGHES, OF VIRGINIA
VIVIAN IMAIZUMI, OF VIRGINIA
RICHARD C. JAO, OF NEW YORK
JUDITH M. JOHNSON, OF TEXAS
THOMAS KALINA, OF VIRGINIA
YOONAH KANG, OF VIRGINIA
CATHERINE L. KEANE, OF VIRGINIA
SAMUEL E. KING JR., OF VIRGINIA
BRYAN K. KOONTZ JR., OF WISCONSIN
MARYBETH KRUMM, OF THE DISTRICT OF COLUMBIA
SUSANNE GRACE KUESTER, OF FLORIDA
BENJAMIN N. LEE, OF VIRGINIA
JOHN C. LETVIN, OF FLORIDA
DREA LEWIS, OF MASSACHUSETTS
ALEXANDER LIPSCOMB III, OF VIRGINIA
TODD LUDEKE, OF TEXAS
BENJAMIN M. LUDLOW, OF VIRGINIA
ERIC T. LUND, OF UTAH
CHRISTIAN J. LYNCH, OF NEW YORK
WILLIAM P. MANDROS, OF VIRGINIA
JENNIFER J. MCALPINE, OF MINNESOTA
EVAN MCCARTHY, OF RHODE ISLAND
PATRICK JOSEPH MCCARTHY, OF VIRGINIA
ROBERT A. MCCUTCHEON, OF MARYLAND
JOHN T. MCNAMARA, OF NEW YORK
RICHARD CONRAD MICHAELS, OF GEORGIA
REBECCA SHIRA MORGAN, OF ILLINOIS
ERIC GENE ANDRE MORIN, OF FLORIDA
JOSH MORRIS, OF CALIFORNIA
OLIVER JOHN MOSS III, OF FLORIDA
JENNIFER ANN MUSGROVE, OF VIRGINIA
JOHN C. NEELY, OF VIRGINIA
PHILLIP NERVIG, OF NEW YORK
MICHAEL I. NEWMAN, OF THE DISTRICT OF COLUMBIA
MARY JANE O'BRIEN, OF VIRGINIA
SEAN PATRICK O'HARA, OF VIRGINIA
FILEMON R. PALERO JR., OF CALIFORNIA
DANA MARIE PANGER, OF VIRGINIA
WALTER PARRS III, OF NEW YORK
CYNTHIA H. PLATH, OF CALIFORNIA
MARY ELIZABETH R. POLLEY, OF VIRGINIA
JOHN R. POWELL, OF VIRGINIA
APRIL PRICE, OF THE DISTRICT OF COLUMBIA
SCOTT ALAN REESE, OF VERMONT
SARA MARIE REVELL, OF TEXAS
BERNADETTE EILEEN ROBERTS, OF THE DISTRICT OF COLUMBIA
BENEDICT ROBINETTE, OF VIRGINIA
RUTH RUDZINSKI, OF COLORADO
RUTHANNA MARIA RUFFER, OF VIRGINIA
EMMETT JEROME RYAN JR., OF MONTANA
KAREN P. SCHINNERER, OF MICHIGAN
ALEXANDER SCHRANK, OF MASSACHUSETTS
DAWN M. SCHREPEL, OF TEXAS
VANESSA ANNA SCHULZ, OF THE DISTRICT OF COLUMBIA
SHELLY ANN SEAVER, OF VIRGINIA
JUNE A. SHIN, OF CALIFORNIA
JOHN SILSON, OF OHIO
BETH MOSER SMITH, OF VIRGINIA
MAKEESHA LYNN SOVA, OF VIRGINIA
ALISON C. STACY, OF OHIO
CHRISTY MELICIA WATKINS STONER, OF VIRGINIA
JACOB M. STUDLEY, OF VIRGINIA
MARCI J. STUDLEY, OF VIRGINIA
MATTHEW ALAN TAYLOR, OF FLORIDA
ANTHONY MICHAEL DEAN TRANCHINA, OF NEW YORK
ELIZABETH KENNEDY TRUDEAU, OF NEW HAMPSHIRE
HELENE N. TULING, OF WASHINGTON
MICHAEL TURNER, OF CALIFORNIA
SUSAN L. UNRUH, OF TEXAS
YOLANDA A. URBANSKI, OF VIRGINIA
EDWARD L. USHER, OF NEW YORK
JASON VORDERSTRASSE, OF CALIFORNIA
JOCELYN ANN VOSSLER, OF CALIFORNIA
BRIGID REILLY WEILLER, OF NEW YORK
MARY K. WELSH, OF VIRGINIA
KAREN MARIE WHALEN, OF VIRGINIA
KIMBERLY S. WHITWORTH, OF VIRGINIA
EMILY L. WILLIAMS, OF MINNESOTA
MELANIE ANNE ZIMMERMAN, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARCIA L. NORMAN, OF CALIFORNIA

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT AS PERMANENT LIMITED DUTY OFFICERS IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589.

To be lieutenant

ARMAND P ABAD, 0000
DANIEL E ADAMS, 0000
LEONARD L ADAMS JR., 0000
TIMOTHY R ADAMS, 0000
CHERYL E AIMESTILLMAN, 0000
AARRON S ALEXANDER, 0000
BRIAN R ALLEN, 0000
MITCHELL R ALLEN, 0000
KENNETH G ALLISON, 0000
KENNETH O ALLISON JR., 0000
BRAD S ANDERSON, 0000
CHRISTOPHER A ANDERSON, 0000
DAVID C ANDERSON JR., 0000
ROSS M ANDERSON, 0000
NORLANDO F ANTONIO, 0000
ALFRED F APPLEWHAITE, 0000
LESLIE E ASLARONA, 0000
TODD A ATKINSON, 0000
FABIO O AUSTRIA JR., 0000
PETER J AVITTO, 0000
GEORGE D BALDWIN, 0000
JAMES S BALDWIN, 0000
LANCE O G BARKER, 0000
DEREK A BARKSDALE, 0000
ROBERT J BAST, 0000
RUSSELL P BATES, 0000
BRAD A BAUER, 0000
ALAN D BEATY, 0000
BRYAN K BEECHER, 0000
WILLIAM L BEITZ, 0000
JAMES L BELL, 0000
MATTHEW J BELLAIR, 0000
CHARLES J BERGSTOL, 0000
WILLIE J BERNARD, 0000
MARY L BERRIAN, 0000
SAM BETHUNE, 0000
JONATHAN F BIELAR, 0000
MARK J BISH, 0000
CHRISTOPHER BISHOP, 0000
DOWAYNE BISTLINE, 0000
STEVEN M BOATWRIGHT, 0000
JOHNNY D BOBO, 0000
LESTER F BOERNER, 0000
DONZALEIGH M BOLDEN, 0000
IVAN R BORJA, 0000
BARRY E BOWERS, 0000
JAMES C BRADLEY, 0000
PAUL A BRADLEY, 0000
TERRELLE C BRADSHAW, 0000
RICHARD W BRANCH III, 0000
KENNETH A BRANDON, 0000
JAMES S BRANT JR., 0000
ANDREW D BROLLIAR, 0000
CRAIG M BROUSSARD, 0000
THOMAS A BROUWER, 0000
CURTIS BROWN, 0000
JAMES A BROWN, 0000
JOHN T BROWN, 0000
ROBERT A BROWN, 0000
RUSSELL W BROWN, 0000
ARNULFO C BUELA, 0000
ROBERT W BURGETT, 0000
TERRELL A BURNETT, 0000
ZEVERICK L BUTTS, 0000
DAVID Q BUXTON, 0000
KYLE A CALDWELL, 0000
MICHAEL CANAVATI JR., 0000
TONY D CANOY, 0000
STEVEN S CARPENTER, 0000
JOYCE D CARRIERE, 0000
BRIAN N CARROLL, 0000
MARK A CARSTENS, 0000
ROBERT D CARTER JR., 0000
TROY L CARTER, 0000
YOLANDA M CARTER, 0000
JOEL A CASTILLO, 0000
JAMES M CATTEAU, 0000
MICHEAL L CAWYER, 0000
MICHAEL A CETNAROWSKI, 0000
ROLLIE L CHANCE JR., 0000
DANIEL E CHARLTON, 0000
PATRICK R CHELL, 0000
HARRY A CHENG, 0000
NADINE A CHUBA, 0000
MICHAEL J CHURCH, 0000
JAMES C CLARK, 0000
JOHN F CLARK, 0000
GAIL M CLIFTON, 0000
JOHN W CLINE, 0000
LORI L CODY, 0000
FREDIRICK R CONNER, 0000
DAVID A CONTI, 0000
FRANK D COON III, 0000
ALDRIN J A CORDOVA, 0000
RALPH M CORONADO III, 0000
DELWYN A COSBY, 0000
STEPHEN L COX, 0000
CHRISTOPHER K CRIDER, 0000
ROBERT P CROCETTA III, 0000
EARL W CULLUM, 0000
ROBERT J DAFOE, 0000
KEVIN J DALY, 0000
JEROLD E DAVIS, 0000
JON R DAVIS, 0000
MARC T DAVIS, 0000
RANSOM A DAVIS JR., 0000
WILLIAM J DAVIS, 0000
JASON A DAVY, 0000
TRAVIS W DAWSON, 0000
TIMOTHY J DEBELAK, 0000
KENGE A DEBOLD, 0000
ANDY P DELEON, 0000
WILLIAM A DENNIS, 0000
CHARLES A DEPALMA II, 0000
JAMES W DESROSIERS JR., 0000
MARCUS A DEVINE, 0000
ANDREA M DEWDNEY, 0000
GRETCHEN E DOANE, 0000
ALBERTO DONES, 0000
DAVID M DONSELAR, 0000
RUSTIN J DOZEMAN, 0000
BRYAN D DRECKMAN, 0000
MARK R DUMAS, 0000
LYNOR A DUNCAN, 0000
STEPHEN J DURHAM, 0000
FRANK A DURSO, 0000
MICHAEL B EDQUIST, 0000
JEFFREY S EIDENBERGER, 0000
MICHAEL J ENCINIA, 0000
VICTORIO M ENRIQUEZ, 0000
AARON C ERICKSON, 0000
ANTONIO ERVIN, 0000
RICARDO ERVIN JR., 0000
SHERRY L EVANS, 0000
GEORGE J EZELL, 0000
JOHN S FAIRWEATHER, 0000
DARRIN E FALLER, 0000
DAVID M FERRER, 0000
ROBERT H FINCH, 0000
SHAUN W FISCHER, 0000
PRESTON FLEMING, 0000
STANLEY E FLEMING, 0000
NOEL A FONTANILLA, 0000
TAYLOR R FORESTER, 0000
BRYAN K FORSHEY, 0000
KEITH B FOSTER, 0000
ROOSEVELT FRANKLIN JR., 0000
MARTY P FRIGAARD, 0000
ROBERT C FRY, 0000
HENRY FUENTES, 0000
TAWANNA A GALLASSERO, 0000
CHRISTOPHER M GARCIA, 0000
JOHN F GARY, 0000
CLEMENTE V GATTANO, 0000
STEPHEN J GENOSHE, 0000
DANA S GIBSON, 0000
DAN M GLESENER, 0000
RUSSELL J GOFF JR., 0000
JOSEPH P GONZALES, 0000
JOHN W GOOLSBY, 0000
LELON V GRAY, 0000
MICHAEL B GREEN, 0000
MATTHEW T GRIFFIN, 0000
KAY E GSCHWIND, 0000
ALBERT GUAJARDO, 0000
PARRISH P GUERRERO, 0000
DUNCAN K GUISHARD, 0000
BRETT B GUNDERSON, 0000
TYRONE F GUZMAN, 0000
HOPE D HAIR, 0000
RICHARD E HALL, 0000
KIRBY A HALLAS, 0000
CHRISTOPHER M HALSAN, 0000
SCOTT R HALSEY, 0000
BRUCE A HAMILTON, 0000
BRIAN K HARBIN, 0000
JOHN A HARDESTY, 0000
RONALD A HARMON JR., 0000
ROBERT L HARRIS, 0000
JOSEPH B HARRISON II, 0000
ERIC W HASS, 0000
CURTIN K HAUG, 0000
ERIC E HAYES, 0000
BRIAN HEASLEY, 0000
GERALD R HEGWOOD, 0000
CHRISTOPHER D HEINZ, 0000
JAY C HENSON, 0000
DURWARD HICKENBOTTOM, 0000
MILES G HICKS, 0000
TERESA M HICKS, 0000
WILLIAM E HIERONIMUS, 0000
HARLAN C HILL, 0000
ROBERT C HILTON, 00000
CHRISTINA HINES, 0000
THOMAS L HINNANT III, 0000
RICHARD C HIRN, 0000
RHYSS B HIZON, 0000
CHAD A HOLINGER, 0000
HAROLD E HONEYCUTT, 0000
JAMES J HORNEF, 0000
GARY R HORSEY, 0000
ANTHONY W HUGHES, 0000
JAMES L HUGHES JR., 0000
JON B HUGHES, 0000
DAVID A HUMPEL, 0000
ROBERT K HUTCHINS, 0000
TRACY V HUTCHISON, 0000
ROBERT L HYLTON JR., 0000
DOUGLAS E JACKSON, 0000
GREGORY J JACOBS, 0000
REYMUNDO C JAVIER, 0000
BRANDON L JOHNSON, 0000
RICHARD W JOHNSON, 0000
MITCHELL R JONES, 0000
JAMES R JOYNER JR., 0000
ROBERT A KALLMAN, 0000
LOYAL A KAMM JR., 0000
STEPHEN E KASHUBA, 0000
ARTHUR C KEENAN II, 0000
TIMOTHY J KELLY, 0000
MARK A KENNEDY, 0000
TERRY L KERR, 0000
RICHARD B KILLIAN, 0000
GEORGE H KIPP, 0000
GREGORY A KLITGARD, 0000
TERRY L KNAPP, 0000
FREDDIE B KOONCE, 0000
KEVIN M KURTZ, 0000
WILLIAM R KUZMA, 0000
STEVEN T LAATSCH, 0000
EVAN J LAFRANCE, 0000
ARTHURRLLOYD G LAMBINICIO, 0000
MARK J LAMBRECHT, 0000
GARY L LANE, 0000
JAMES M LANGLOIS, 0000
KENNETH R LARSON JR., 0000
BLAINE A LAURION, 0000
RUSSELL A LAWRENCE, 0000
JOHN C LEITNER, 0000
MICHAEL A LINCOLN, 0000
CHARLES D LINNEMANN, 0000
JEFFREY P LITTLE, 0000
RODERICK V LITTLE, 0000
JAMES F LOCKMAN, 0000
THOMAS L LOOP, 0000
MANUEL LOPEZ JR., 0000
BENGT G LOWANDER, 0000
BRYAN K LUKIE, 0000
JOHN A LYSINGER, 0000
JON O MAGNUSON, 0000
FELIXBERTO C MALACA, 0000
ROMULO P MALIKSI, 0000
CHARLES G MANN, 0000
WALTER F MANUEL, 0000
WAYNE E MARK, 0000
MICHAEL J MARTIN, 0000
MICHAEL T MARTIN, 0000
RANDY W MARTIN, 0000
JAMES S MATHUS, 0000
ERNEST A MATTA, 0000
DONOVAN A MAXWELL, 0000
ANDREW C MAYERCHAK II, 0000
ROBERT J MCCARTHY, 0000
STEVEN J MCCLELLAND, 0000
WALTER M MCCLINTON JR., 0000
JONATHAN M MCCOMB, 0000
JAMES A MCCOSLEY, 0000
BARRY D MCCULLOCH, 0000
CHARLES G MCDERMOTT, 0000
BRUCE A MCDONALD, 0000
GEORGE A MCLAUGHLIN, 0000
SEAN P MCMICHAEL, 0000
SHANNON C MCMILLAN, 0000
DARNELL C MCNEILL, 0000
LAURENCE E MCPHERSON, 0000
GLEN A MECKES, 0000
GILBERTO MENDIOLA JR, 0000
JOSEPH E MIKOLAJCZAK, 0000
DAVID M MINNICK JR, 0000
TERETHA A MINTZ, 0000
DIOMEDES L MIRANDA, 0000
MARK D MISENER, 0000
DONNIE W MIZE, 0000
ALBERT L MOORE, 0000
MARK G MORAN, 0000
DOUGLAS M MORELAND, 0000
MERCER MORGAN III, 0000
JACK E MORRIS, 0000
KEITH M MORRIS, 0000
RICHARD L MORRIS, 0000
JOSEPH T MORRISON, 0000
WILSON M MOTES, 0000
ROBERT J NAIFEH, 0000
DENNIS A NARLOCK II, 0000
TIMOTHY G NASELLO, 0000
JIMMY S NELSON JR, 0000
TODD D NELSON, 0000
ELROY L NEWTON, 0000
DANIEL K NICHOLS, 0000
KELLY S NICHOLS, 0000
SHAUN A NIDIFFER, 0000
JACOB R NORMAN II, 0000
KYLE A NYSETH, 0000
DERRICK C OBRIEN, 0000
RONALD K OCHELTREE, 0000
JOHN A ODLE, 0000
JUNSIMON A OLIVEROS, 0000
ERIC C OLSEN, 0000
THEORDORE A ORTEGA, 0000
CARL R ORTMANN, 0000
CLINTON H OSBORN, 0000
LEONARD OUZTS, 0000
ROLANDO R PAGADUAN, 0000
CHRISTOPHER S PALMERONE, 0000
WILLIAM R PARKER, 0000
JAMES H PASLEY JR, 0000
JOSE L PERALTA, 0000
JEFFREY P PETERSON, 0000
SYLVESTER L PFARR, 0000
SCOTT A PHEASANT, 0000
ANTHONY D PINK, 0000
GREGORY A PINKLEY, 0000
JAMES S PIRGER, 0000
BLAINE C PITKIN, 0000
BRIAN PONCE, 0000
DONALD B PORTER, 0000
TERRENCE L POWELL, 0000
GERARDO S PRUDENCIO, 0000
MARK A PUTTKAMMER, 0000
JOHNNY QUEZADA, 0000
PABLITO V QUIATCHON, 0000
TIMOTHY L RAYMIE, 0000
CHARLES D REDDER, 0000
CHRIS J REEDY, 0000
WESLEY D REEDY, 0000
RANDY R REID, 0000
RAYMOND A REID, 0000
JAMES L REMINGTON JR, 0000
MICHAEL J REYNOLDS, 0000
STEVEN R REYNOLDS, 0000
MARSHALL G RIGGALL, 0000
MATTHEW T RIGGINS, 0000

ANDREW R RINCHETTI, 0000
JOSE RIVAS JR, 0000
JERRY RIVERA, 0000
CARL C RIVERS, 0000
DENVER D ROBB, 0000
ROBERT E ROBERSON JR, 0000
BRYAN C ROBERTSON, 0000
CECIL L ROBINSON JR, 0000
DANIEL E ROBINSON, 0000
ERIK J ROBINSON, 0000
PAUL V ROCK, 0000
MARK V ROLLSTON, 0000
JEFFERY N RONEY, 0000
JERALD L ROOKS, 0000
WILLIAM L ROSENBERRY, 0000
STEPHEN P RUSHLEY, 0000
WAYNE N SALGADO JR, 0000
CESAR A SALINAS, 0000
JESSIE L SANCHEZ, 0000
RAUL SANTOSPIEVE, 0000
CHRISTOPHER SAUNDERS, 0000
ANTHONY D SCHERMERHORN, 0000
VAUGHN L SCHNEIDER, 0000
MURRAY L SCHULTZ, 0000
STEPHEN H SCHULTZ, 0000
JAMES P SCOTT JR, 0000
GERALD M SELLERS, 0000
ANDREW J SERVAES, 0000
GARY M SHELLEY, 0000
SCOTT N SHENK, 0000
JAMES R SHIRLEY, 0000
JAMES C SHORT, 0000
RICHARD W SIMMONS, 0000
MICHAEL K SIMS, 0000
ALEXANDER SINGLETON, 0000
JOE P SMITH JR, 0000
RONALD D SMITH, 0000
TODD M SMITH, 0000
DONNA L SMOAK, 0000
RAYMOND SNYDER III, 0000
TONY L SNYDER, 0000
DENYSE F SPRINGER, 0000
JAMES H STACEY, 0000
MARK O STACK, 0000
JOHN A STAHLEY II, 0000
JOHNNY L STAMBERGER, 0000
BOBBY C STANCIL, 0000
JULIA M STANTON, 0000
WILLIAM C STCLAIR, 0000
STERLING M STEDMAN, 0000
JEFFREY L STEWART, 0000
ANDRE M STONE, 0000
CLINTON STONEWALL III, 0000
SCOTT M SUCY, 0000
KEVIN M SULLIVAN, 0000
ROBERT E SWANSON, 0000
TIMOTHY TARAFAS, 0000
LARRY E TARVER, 0000
MARK A TATCH, 0000
CLAUDE E TAYLOR III, 0000
MONTE R TEMPLE, 0000
JOHN T THOMPSON, 0000
JOSEPH L THOMPSON, 0000
MATTHEW D THOMPSON, 0000
HENRY S THRIFT III, 0000
JEFFREY A TIDD, 0000
WILLIAM G TIMKO, 0000
CLARENCE H TOLLIVER, 0000
WALTER TONEY, 0000
JORGE L TORRES, 0000
TROY D TOWNSEND, 0000
ERIC A TRAINI, 0000
TERRY N TRAWEEK JR., 0000
AROL B. TREWIN, 0000
SHAWN A TRISLER, 0000
SCOTT TROJAHN, 0000
ROBERT TRUJILLO, 0000
JEFFREY A TUCKER, 0000
JENNIFER A TUCKER, 0000
DAVID J TULOWIECKI, 0000
JASON L TUMLINSON, 0000
VYRON T TURNER, 0000
JAMES T UNCAPHER, 0000
ANTHONY R UNIEWSKI JR., 0000
MICHAEL J URICH, 0000
JOHN M VANCE, 0000
RICHARD VANDRIESEN, 0000
JUNE H VELEZ, 0000
RONALD VIGGIANI JR., 0000
GARY J VOROUS, 0000
STEPHEN M VOSSLER, 0000
BOBBY W WALKER, 0000
JAMES M WALKER, 0000
GREGORY J WARD, 0000
THOMAS S WARE, 0000
JANTREICE H WASHINGTON, 0000
STEVEN R WHEATLEY, 0000
CLARENCE M WHITE JR., 0000
DAVID W WHITSITT, 0000
BENJAMIN J WIECHERT III, 0000
ANTHONY C WILDER, 0000
DWAYNE E WILLIAMS, 0000
MICHAEL L WILLIAMS, 0000
RICHARD G WILLIAMS, 0000
RORY A WIUFF, 0000
MICHAEL J WORKS, 0000
DONOVAN B WORTHAM, 0000
RICHARD D WRIGHT, 0000
FELIX O WYATT, 0000
CLARENCE E XANDER, 0000
MICHAEL L YBARRA, 0000
TIMOTHY L YEICH, 0000
MATTHEW A YOUNG, 0000
ELLIOTT W YOUNGBLOOD, 0000
MATTHEW P ZENTZ, 0000

WITHDRAWALS

Executive messages transmitted by the President to the Senate on October 7, 2004, withdrawing from further Senate consideration the following nominations:

JAMES B. CUNNINGHAM, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR, WHICH WAS SENT TO THE SENATE ON APRIL 8, 2004.

JAMES B. CUNNINGHAM, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR, WHICH WAS SENT TO THE SENATE ON APRIL 8, 2004.

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, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 7, 2004:

To be general

GEN. GREGORY S. MARTIN, 0000

EXTENSIONS OF REMARKS

HONORING DOROTHY HUGHES

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dorothy Hughes, who died on July 26 at the age of 80. An activist in Marin County, California, for 35 years, Dorothy was a leader who cared deeply about her community and the people who live in it.

Born in Woodland, California, in 1923 on her parents' sheep ranch, she married Dr. Robert Leake with whom she had eight children. She attended Hamlin School in San Francisco, Stanford University, and, after her divorce, California State University in Sacramento, where she earned a master's degree. She moved to Marin in 1969.

Best known for her work on behalf of mental health programs, Dorothy was director of the Marin Association for Mental Health for two decades and was instrumental in the development of a mental health community care system. She also had a passion for children and youth, peace, human rights, and a goal of creating a caring world. She was a founder of, or active in, Community Action Marin, Fairfax-San Anselmo Children's Center, Marin Suicide Prevention Center, Buckelew Houses, Marin Family Action, Isoji, the Marin Peace and Justice Coalition, and the Campaign for a Healthier Community for Children.

Dorothy advocated both behind the scenes through lobbying and through community organizing. She was tireless in promoting the causes that will make our world a better place for all people, inspiring others with her conviction and forcefulness as well as her warmth. Her goal was nothing less than "a world that works for all of us."

When inducted into the Marin Women's Hall of Fame in 1991, Dorothy stated that it was her dream that one day there would be a progressive national policy on children and families. That is the same dream that inspires me to introduce legislation addressing the well-being of our nation's family and children . . . knowing that our future depends on them.

Dorothy is survived by her eight children, 17 grandchildren, and eight great-grandchildren, as well as her sister and her niece. She was very devoted to her family and had moved to Sacramento last November to be near them.

Mr. Speaker, Dorothy Hughes liked to call herself "an old radical," and I can think of no higher tribute. She was a radical in the best sense, one who fought for all those in society who can't fight for themselves and who believed that creating a better world through our children was both necessary and possible. I join the many people who will miss Dorothy Hughes' friendship and bright spirit.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PORTMAN. Mr. Speaker, yesterday, I was absent attending to a previously scheduled commitment and missed the votes on Roll Call Number 490, on Ordering the Previous Question on H. Res. 814, the Rule for S. 878, the Bankruptcy Judgeship Act; Roll Call Number 491, on H. Res. 814, the Rule for S. 878, the Bankruptcy Judgeship Act; Roll Call Number 492, on the Simpson Amendment to S. 878; Roll Call Number 493, on a Motion to Recommit S. 878 with Instructions; Roll Call Number 494, on Passage of H.R. 163, the Universal National Service Act; Roll Call Number 495, on Passage of H.R. 2929, the Safeguard Against Privacy Invasions Act; and Roll Call Number 496 on H.R. 5011, on Passage of the Military Personnel Financial Services Protection Act.

Had I been present, I would have voted "Yea" on Roll Call Number 490, "Yea" on Roll Call Number 491; "Yea" on Roll Call Number 492, "Nay" on Roll Call Number 493; "Nay" on Roll Call Number 494; "Yea" on Roll Call Number 495; and "Yea" on Roll Call Number 496.

INTRODUCTION OF THE BETTER FUTURE FOR AMERICAN FAMILIES ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to introduce the Better Future for American Families Act. This legislation will help increase access for low- and moderate-income American families to private retirement investments. Families are struggling to make ends meet and this tax credit will give them an extra incentive to invest in their future.

Since Social Security was created in 1934, the model for retirement savings has been a three-legged stool. The three legs of that stool are: Social Security benefits, private pensions, and personal savings and investment. Without one of those legs, the stool wobbles. As Reinhard A. Hohaus, an early private-sector authority on Social Security, explained, "Each (leg) has its own function to perform and need not, and should not, be competitive with the others. When soundly conceived, each class of insurance can perform its role better because of the other two classes." Unfortunately, some are advocating for a significant weakening of Social Security by taking funds away from this leg of the stool by allowing workers to invest some of their Social Security taxes in personal accounts. Instead of weakening Social Security, I propose that we strengthen incentives for all Americans to invest in their retirement.

For years, Americans worked their entire careers with one company and could rely on a generous pension coupled with Social Security benefits to provide for a comfortable retirement. This is no longer the case. Workers change jobs more often, pensions have become less reliable in this world of Enron accounting, and the Social Security trust fund will be strained by the retirement of the baby boomers. In this environment, workers should be investing in individual retirement accounts, but due to rising costs in housing, health care, and other necessities, many families are no longer able to save for the future. While Congress has passed laws to create IRAs and 401(k) plans to encourage investment, more than 90 percent of the tax benefits the federal government offers to help families save go to households earning more than $50,000. We need to broaden these incentives to include all Americans, especially those whose struggle to cope with the costs of living here and now are causing them to ignore their future financial security.

One of the most sensible tax credits enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001 was the Saver's Credit, which offered low- and moderate-income workers up to a dollar-for-dollar credit for contributions to an individual retirement account or a qualified employer-sponsored plan. The credit phases out rapidly as income rises, so this is truly a tax break for middle class Americans. Unfortunately, this tax credit is scheduled to expire in 2006. Even worse, as the Republican majority tries to extend every other tax cut from 2001, to the benefit of the wealthiest, this expiring tax credit for middle class Americans is being ignored.

My legislation would make the Saver's Credit permanent and would significantly expand the program to give help to millions by increasing benefits for families earning less than $50,000. Additionally, although 57 million taxpayers are eligible for the maximum credit on paper, 80 percent of them cannot actually benefit because they do not have income tax liability. These families need as much help as anyone and my legislation would make them eligible for the Saver's Credit by making it a refundable tax credit.

Mr. Speaker, I believe that this tax credit is the most fiscally responsible avenue for Congress to encourage personal savings and ensure that American families have financial security during their retirement years. Stripping money from Social Security only shifts the wobbling leg of the stool. This legislation would strengthen all legs and provide a solid foundation for retirement for all Americans. I encourage all of my colleagues to join me in supporting this legislation.

RECOGNIZING THE SONOMA INDEX-TRIBUNE NEWSPAPER

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize and honor the Sonoma Index-Tribune Newspaper, which has been selected as the Business of the Year by the Sonoma Valley Chamber of Commerce.

Over its 125 year history, this family-owned newspaper has won hundreds of national, state and local awards: including First Place for Best Local News Coverage by the National Newspaper Association in 2004, the Environmental Business Award from the Sonoma Ecology Center in 2003–2004, the Howard Grothe Award for Progressive Contributions to Newspaper Advertising from the California Newspaper Advertising Executives Association in 2002, the James Madison Freedom of Information Award for Investigative Journalism from the California Newspaper Advertising Executives Association in 2001, the Lincoln Steffens Investigative Reporting award from Sonoma State University and the Sonoma County Press Club in 2001, the Justice F. Craemer Newspaper Executive of the Year Award to Bill Lynch from the California Press Association in 2001, the Sonoma Valley Hospital Foundation Award in 2001 and the Community Partnership Award from the Sonoma Valley Education Foundation in 1999.

The Index-Tribune was selected to receive this award not only because of its journalistic excellence but also because the paper and the Lynch Family contribute to the community in many other ways.

The newspaper has been an exemplary employer and has been a training ground for many fine journalists throughout its history.

Over the years the paper has contributed hundreds of thousands of dollars of free advertising space to non-profit organizations serving the Sonoma Valley. CEO and President Bill Lynch and his brother, CFO and Publisher Jim Lynch have personally contributed countless hours to a variety of community organizations, including the Hanna Boys Center, the Valley of the Moon Boys and Girls Club, Sonoma Valley Hospital, Field of Dreams, Maxwell Park and the Chamber of Commerce.

Mr. Speaker, through its industry excellence, its community involvement and its employment practices, the Sonoma Index-Tribune has earned a position of prestige in the Sonoma Valley. It is appropriate for us today to honor Bill and Jim Lynch, the paper and its many employees both past and present.

HONORING MAJOR GENERAL RICHARD D. MURRAY USAF (RET) ON THE OCCASION OF HIS RETIREMENT AS PRESIDENT OF THE NATIONAL ASSOCIATION OF UNIFORMED SERVICES

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. BUYER. Mr. Speaker, today I rise to honor a great American patriot and tireless worker on behalf of our military, veterans and dependents.

Major General Richard D. Murray, USAF (Ret), is retiring as the President of the National Association for Uniformed Services (NAUS), an association that he has led for the last six years. In and out of uniform, General Murray has displayed longstanding dedication to our great country in a career that spans over 50 years. For over a half century, General Murray has championed countless causes on behalf of the people who comprise the military community.

I first met General Murray just after his arrival at NAUS in 1998 where he immediately reiterated NAUS' emphasis on improving the military health system. He aggressively sought changes in law that would ensure that active duty and military retirees receive the high-quality healthcare that they earned. Despite stiff opposition from the Department of Defense, General Murray pressed hard for the government to honor the lifetime medical care promise and for the Department of Defense to implement a realistic pharmacy benefit for its Medicare-eligible beneficiaries, initiatives that I strongly supported and led as a member of the House Armed Services Committee and Veterans Affairs Committee. General Murray also initiated NAUS' unique programs such as the "NAUS Misfortune 500" program to assist lower income retirees with the high cost of their prescription drugs.

I have especially enjoyed his leadership and support for legislation I authored called "TRICARE For Life" and the Senior Pharmacy Program. His support was important to our effort and our veterans owe him a debt of gratitude.

General Murray was born in Shreveport, Louisiana, and graduated from Baylor University, Waco, Texas in 1954. He received his commission through the University's Air Force Reserve Officers' Training Corps in March 1954.

General Murray served 31 years in the United States Air Force. During his distinguished career in the Air Force, he served in various assignments in the United States and overseas in positions of increasing responsibility. His last assignment was as Commander, Army and Air Force Exchange Service from 1981 to 1985. After retiring he continued to serve as the President of the American Logistics Association.

His military decorations and awards include the Distinguished Service Medal, Legion of Merit, Bronze Star Medal, Meritorious Service Medal, Joint Service Commendation

Medal, Air Force Commendation Medal with one oak leaf cluster, Republic of Vietnam Armed Forces Honor Medal First Class and Republic of Vietnam Air Service Medal Honor Class.

I wish General Murray and his wife my very best as they devote time to their children and grandchildren.

In closing, General Murray is a man worthy of Congressional distinction in his private life and in the uniform that he has worn so honorably. I salute him. Job well done, my friend.

HONORING EDWARD UEBER

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Edward Ueber, a dedicated public servant and a passionate defender of our nation's marine resources. He is a man with a wide range of marine experiences, an inquiring mind, and a can-do attitude—all attributes that he has brought to bear in a 28-year career working first for the National Marine Fisheries Service and then the National Marine Sanctuary Program, where until recently he has served as the longtime manager of the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries.

Ed Ueber has sea salt in his veins. As a teenager in the fifties he was a fisherman and seafood merchant. In the next twenty-five years he navigated and piloted Navy submarines and Merchant Marine ships, worked at a shipyard, earned an advanced degree in fisheries resource economics and management, consulted for the government of Brazil on fisheries management and was a University of Connecticut researcher.

With all of this nautical background, the National Marine Fisheries Service was lucky to have him come aboard as a fisheries economist in 1976. During that period, Ed published a number of peer review papers on a wide range of fisheries and resource issues.

By the late '80s Ed Ueber had amassed a wealth of experiences that for most people would have been a career in itself. But in 1990, when Ed was appointed the Manager of the Gulf of the Farallones National Marine Sanctuary and a year later Manager of the brand new Cordell Bank National Marine Sanctuary, he began to take on legendary status. Ed Ueber, the resources economist, rolled up his sleeves and once again became a sailor, making the rounds of the sometimes-rough waters of the two Sanctuaries, and navigating the political shoals onshore.

Ed successfully fought a plan to indirectly dump wastewater into the Gulf of the Farallones; dealt with several oil spills, and a forgotten radioactive dumpsite at sea. At the same time, he brought the Sanctuary program to the public by creating the first Marine Sanctuary Beach Watch program, the SEALS harbor seal protection and education program, the Farallones Marine Sanctuary Association and opening three visitor centers.

Ed also upheld the Sanctuary program's scientific mission with an intertidal monitoring program, a new ecosystem oceanographic evaluating system, and deep-sea studies.

He was and is immensely knowledgeable, with a disarming and impish sense of humor. And with those who would threaten the Sanctuary's resource he is a skillfull negotiator and tough when he has to be. He is a communicator who can speak the language of researchers, fishermen, environmentalists, beach lovers—and even bureaucrats if he really tries.

Ed Ueber's love of the ocean and its creatures manifests itself in fierce protectiveness. He personifies the ideals of the National Marine Sanctuary Program.

This week as we honor the 15th Anniversary of the Cordell Bank National Marine

Sanctuary, one of the most biologically productive underwater areas on the planet, I also honor Ed Ueber, its first manager, a man to match the bounteous and awe-inspiring resource he has protected for so many years.

IN OPPOSITION TO H.R. 163, THE UNIVERSAL NATIONAL SERVICE ACT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PORTMAN. Mr. Speaker, I regret that a previous commitment prevented me from being present to vote on H.R. 163, Mr. Rangel's Universal National Service Act.

This proposal would require that all young persons in the United States, including women, perform a period of military service or a period of civilian service for the national defense and homeland security. Had I been present, I would have voted ''no.''

Both the President and the Secretary of Defense have stated on more than one occasion that there is no need for a draft for the War on Terrorism or any likely contingency, such as Iraq. I believe the All-Volunteer Military Force has operated effectively for over thirty years. I fully agree with the Administration that there is no need for a military draft, and I do not support the Rangel bill.

TRIBUTE TO MICHAEL W. NYE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. LARSON. Mr. Speaker, I rise today to recognize and offer my congratulations to Mr. Michael (Mike) W. Nye, Director of Investigations, Office of Inspector General of the House of Representatives, for his outstanding career and service to the House of Representatives for the past six years, and to the Federal Government for thirty-two years. Mike will be retiring from the House this month after previously serving as a judge advocate in the U.S. Air Force, from which he retired in the rank of Colonel. Prior to joining the House Office of Inspector General, he also served as Counsel to the Inspector General of the Marine Corps. During his career, he gained widespread legal experience and has provided invaluable counsel to the House Inspector General and his colleagues at the House on a wide range of legal issues.

Mike put his skills to good use at the House and his advice and counsel has been widely sought as we strive to continuously improve controls and security over the financial and administrative operations of the House. His energy and ''can do'' attitude were an example to all of us and his keen insights into legal matters helped assure that the Office of Inspector General's reports consistently met our needs by providing candid and reliable advice on all aspects of House operations.

Always the consummate professional, Mike will be sorely missed by all of his colleagues, but he can take pride and satisfaction in his service to our great nation. Truly, Mike was one of those rare individuals who made a real difference by improving every organization in which he served. Once again Mr. Speaker, I would like to congratulate Mike on his career and outstanding service to the House, and to wish him, and his lovely wife Judy, much happiness as they pursue new challenges in retirement.

IN RECOGNITION OF THE 75TH ANNIVERSARY OF THE CALIFORNIA HIGHWAY PATROL AND THE CHP OF LAKE COUNTY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. THOMPSON of California. Mr. Speaker, we rise today to pay tribute to the California Highway Patrol (CHP) in Lake County, California.

For the past 75 years, the CHP has had the motto ''Safety, Security and Service.'' This reflects the mission and the intent of the CHP in Lake County.

The Lake County CHP consists of 32 uniformed members and five civilians. They are commanded by Lieutenant D.R. Hayward. In addition, a Vehicle Theft Investigator, Mobile Commercial Vehicle Inspector and a Motor Carrier Specialist are permanently deployed in the Lake County region. They are responsible for traffic and general law enforcement on roadways that cover 1825 square miles.

The Lake County CHP's commitment to the citizens of Lake County includes a very successful community outreach program. This program combines a dedicated community outreach officer along with Senior Volunteers and Explorers who act as a conduit for not only the general community but the Native American communities to interact with the Department and voice their concerns.

The Lake County CHP won the 2003 California Chief's Challenge as well as recognition for the 2003 Pedestrian Safety Corridor grant which was successful in reducing fatal collisions to zero during the duration of the grant.

The commander has implemented a collective program with Caltrans to continuously identify and mitigate any safety related highway designs. This program has had a quantifiable effect on reducing collisions and increasing traffic safety within the community.

Therefore, Mr. Speaker and colleagues, it is most appropriate that we acknowledge and honor the CHP in Lake County for their service to the community. The CHP of Lake County has established a standard of dependability, bravery and hard work that should be followed in all communities.

HONORING MS. ELSA BIRCHWOOD ON THE OCCASION OF HER RETIREMENT AS DIRECTOR OF THE CHIEF OF THE ARMY RESERVE'S STAFF GROUP

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. BUYER. Mr. Speaker, I rise today to note the departure of a great lady and a good friend, Ms. Elsa Birchwood, the Director of the Chief of the Army Reserve's Staff Group. For the past ten years, Ms. Birchwood served as a superb leader, counselor, mentor, and confidant not only within her own office, but also earned the respect from other components of the Department of Defense. She served with great distinction in a full military career that began with her enlistment in the Active Army, duty as a drill sergeant, and ultimately as a commissioned officer in the Active Guard and Reserve Program. Throughout this period, she proved herself to be an outstanding leader and thoroughly professional staff officer of great experience and compassion.

Ms. Birchwood's loyalty and reputation led to her return to Federal service in January 1994 as a civilian military personnel management specialist in the Office of the Chief, Army Reserve. She applied her skills to her congressional liaison activities, the White House and Executive Branch agencies. She was an invaluable point of contact for legislative matters and always made herself available to Members of Congress and their staffs. She responded rapidly to inquiries regarding Army Reserve programs and policies and individual personnel management problems. Her cooperative spirit, determination and perseverance gained her and the Department of Defense many friends and much good will.

Ms. Birchwood's reputation for candor and integrity spread throughout the Reserve community and senior leadership in the Washington area. By the time she was appointed the Director of the Chief, Army Reserve's Staff Group, she had become something of a legend and a cultural hero as an advisor to the Chiefs of the Army Reserve, other general officers, and their staffs. She was an enlightened manager, anticipating emerging issues before they impeded the agency's involvement in the Global War on Terror.

Despite myriad demands on her time, Ms. Birchwood always responded with detailed advice and refreshing candor. She mentored her subordinates and assisted in their professional development. She took personal and professional responsibility to prepare those she supervised to perform up to their potential and she never shirked that responsibility. She was at once enthusiastic and practical, offering long-range advice and suggesting specific immediate courses of action for achieving professional goals and objectives.

At the end of the day, Elsa Birchwood stands as a splendid role model for all who aspire to meaningful public service. She served her country well as a private soldier and officer, and as a distinguished civil servant. She rose to the grade of GS–15 and served with great distinction as a supervisor, mentor, counselor, and friend. Elsa never forgot that she was first a soldier. Elsa Birchwood deserves our thanks, and I salute her lifetime of service to America. We are proud of you and your legacy is now the standard. Job well done, my friend.

RECOGNIZING SPIRIT OF JACOB MOCK DOUB AND EXPRESSING SENSE OF CONGRESS THAT ''NATIONAL TAKE A KID MOUNTAIN BIKING DAY'' SHOULD BE ESTABLISHED IN JACOB MOCK DOUB'S HONOR

SPEECH OF

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 2004

Mr. BURR. Mr. Speaker, I rise today in support of the resolution, and do so on behalf of the 400 members of the International Mountain Bicycling Association in North Carolina, as well as the 1,500 members of affiliated cycling clubs.

It is appropriate that the House is considering this resolution today. On Saturday, I.M.B.A. brought together kids and adults across the country to hold the first ''National Take A Kid Mountain Biking Day.''

According to the Surgeon General, the percentage of youth that are overweight has nearly tripled in the last twenty years. Forecasts predict that the current generation of our children could actually have a shorter life expectancy than their parents. Childhood obesity is reaching epidemic proportions. Overweight adolescents have a 70% chance of becoming overweight or obese adults. NIH research indicates that the large increase in childhood obesity rates can be traced to overeating and a lack of exercise.

This resolution, Mr. Speaker, was drafted in memory of Jack Doub, an avid teenage mountain biker who had a passion for introducing others to the sport. Jack saw the need for kids to get off the couch, get outside, and get some exercise. After being introduced to mountain biking at age 11 near Grandfather Mountain, North Carolina, he won almost every cross-country race he entered for two years. Between the ages of 14 and 17, he became a top national-level downhill and slalom competitor. He actively encouraged others—particularly kids—to ride bicycles. He was a leader in every sense of the word.

I urge my colleagues to support this resolution.

UNIVERSAL NATIONAL SERVICE ACT OF 2003

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. ABERCROMBIE. Mr. Speaker, I rise in opposition to H.R. 163, a bill to re-instate the draft. I oppose the draft and do not want to see it brought back.

I added my name to this bill in order to promote an open, honest public discussion of the personnel crisis facing our military today, and in that sense I welcome today's vote. It is unfortunate, however, that H.R. 163 is being brought to the floor with only a few hours notice, depriving the American public of the extended exploration this problem deserves.

It is not a coincidence that today's vote is taking place as public uneasiness is rising with regard to the draft. It is obvious to everyone that the demands of military operations in Iraq and Afghanistan are narrowing the Administration's options. Our regular divisions and brigades are stretched to the limit. The Reserve and National Guard are being drawn upon to the point where they now comprise nearly half of all U.S. troops in Iraq. Stop loss is the order of the day, holding servicemen and women in uniform past their discharge dates. We're even dipping into the Individual Ready Reserve, calling up people who have completed not only their active duty obligations, but their active reserve obligations as well. Under these circumstances, the growing suspicions of the Administration's intentions in regard to a draft are well-founded.

In fact, I have found confirmation of those suspicions. KITV television news of Honolulu reported last night on a February 11, 2003, Selective Service System document which was provided to me recently and which I have shared with several of my colleagues. Judging from its contents, it appears to be a memo prepared for a meeting between the Acting Director of the Selective Service, the Principal Deputy Undersecretary of Defense for Personnel and Readiness, and other senior Defense and Selective Service officials. The document takes note of critical shortages of military personnel with certain skills and raises the idea of drafting them to alleviate the shortages.

Features of this ''bring back the draft'' memo include:

—Draft registration for women as well as men;

—Registration of all citizens and resident aliens between the ages of 18 and 34;

—Require registrants to submit periodic updates of their skills and education up to the age of 35;

—Draftees would be sent not only into the military, but also to the Department of Homeland Security, state, and municipal government agencies; and

—Suggests the House and Senate Armed Services Committees be asked to pass legislation to bring back this expanded draft.

The public deserves the chance to fully consider and discuss these radical ideas and participate meaningfully in any decision to adopt such drastic steps to address the very real personnel needs of our military forces stemming from the demands of multiple deployments to Iraq, Afghanistan, and beyond. Bringing H.R. 163 to the floor for a vote without hearings, without warning, deprives the Nation and the Congress of an opportunity for that full consideration and discussion.

Right now we have a back door draft, euphemistically called stop loss orders, that keeps troops in uniform even after their enlistments are over. At the same time, we are putting our National Guard and Reserve under intolerable strain, keeping them on active duty far longer than they or their families could have anticipated.

One of the most frustrating aspects of these problems is that they were foreseeable. General Eric Shinseki, then Army Chief of Staff, accurately predicted we would need far more troops than the Administration was willing to commit to occupy Iraq. He was publicly condemned by the Administration for telling the truth. I voted against the Iraq war because, among other reasons, it was clear the Administration was unwilling to send enough troops to pacify that country after the initial military attack. Paul Bremer, the former chief of the Coalition Provisional Authority, just confirmed that fact in a speech yesterday.

If we are to meet this troop strength crisis, a serious and open discussion needs to take place involving the public, elected leaders, and senior national security officials. The Administration wants to operate in secret in order to hide that discussion from the public. Bringing H.R. 163 to the floor for a vote is a partial victory for public discussion, a reflection of the public's insistent concern over the issue. On the other hand, the furtive way in which it was brought to the floor is a partial victory for those who want to keep the issue in the shadows.

We have been dealing with this matter for years in the Armed Services Committee. During the 14 years that I have served on the Committee, the questions have never been as urgent as they are now:

—What happens if a quick victory in Iraq is elusive, and we remain there for years to come?

—What troop strength levels and mix of active, National Guard, and Reserves will be needed in the coming years?

—Can the all-volunteer military keep its ranks filled?

—If not, what options does the nation have?

—How can we get better pay, benefits, and quality of life improvements to attract and retain enough troops and their families?

As a member of the Armed Services Committee, I work on a daily basis with my colleagues and military leaders in the search for answers. It is a long and often difficult process. Its worth is measured in improvements in the lives of our fighting men and women, their families, and our veterans.

I was proud to vote for badly needed equipment like Humvee armor protection and stronger body armor for troops in Iraq and Afghanistan. I have championed better military family housing for troops based in my home state of Hawaii and around the globe. I was one of the authors of the Tricare for Life bill, which provides military retirees with the health coverage they were promised when they enlisted.

What solutions are offered by those who want to pretend we don't face a military personnel crisis? Do they support the Administration's covert moves—despite public denials—to restart the draft? What do they have to say about the stop loss orders that deny thousands of troops and their families the post-service opportunities they were led to expect? How do they propose to deal with our over-reliance on the National Guard and Reserves, which are already strained to the limit? Most importantly, will they discuss these issues fully and openly, or do they want them decided in secret?

TRIBUTE TO THE LATE FRANK FOX

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mrs. CHRISTENSEN. Mr. Speaker, today in the U.S. Virgin Islands, on my island of St. Croix, residents from all walks of life will gather to remember and pay tribute to Frank J. Fox.

Frank Fox was the president of the St. Croix Chamber of Commerce from 2002 to 2003. But his service to St. Croix and the entire Territory did not begin or end there. He lent his time and talents to a variety of task forces, commissions and committees such as the Governor's Economic Development Committee, The Cruise Ship Task Force, the U.S. Coast Guard Auxiliary, the Navy League, the Landmark Society, Our Town Frederiksted, and St. Croix Friends of Denmark to name but a few. He was also a member of Rotary Mid Island.

But even beyond these Frank and his beloved wife, Beverly were everywhere. They truly adopted St. Croix as home, and did everything they could to make it a better, and more vibrant place for everyone.

Mr. Speaker, Regrettably, due to pressing matters up here, I will not be there at the memorial service. And I know that this is where Frank would insist that I be.

Frank lent his expertise to me, during a very difficult political time—when I had introduced and was shepherding the bill to create a Chief Financial Officer for the Virgin Islands. Often as he offered his opinion or advice, he would preface it with ''For whatever it is worth.'' I can tell you, and others who benefited from his counsel would attest, whatever he said was worth a lot!

I had the pleasure of serving with Frank on the VI EpsCor (Virgin Islands Experimental Program to Stimulate Competitive Research), where he was the first Chairman. He gave generously of his time, and expertise, and led us through a very successful launching in which the University received the first ever grant to a territory.

He will be fondly remembered for all of the above, but never more than every August when we as a community gather to greet new teachers. It was during his tenure as Chamber president that this activity, which is now tradition, began. It demonstrates the depth of his insight into what is important to the future of the Virgin Islands, and more importantly his commitment to that future. He knew and showed us through his life and service, the importance of the ''village,'' and its responsibility to our children.

Mr. Speaker, we were all shocked to hear that this man, so full of life, had left us. We will always be grateful for his friendship, and for his service to our community.

We send our heartfelt condolences to his wife Beverly and his family. And we thank her for sharing this wonderful man with us so generously.

TRIBUTE TO MRS. MARY TOWLES SASSEEN WILSON

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. WHITFIELD. Mr. Speaker, I rise today to honor the legacy of Mrs. Mary Towles Sasseen Wilson, a distinguished native of Henderson, Kentucky, which I have the pleasure of representing in the House. In recognizing Mrs. Wilson, we also pay tribute to all mothers in this great Nation, as she is responsible in large part for the origination of the Mother's Day holiday.

In 1860, Mrs. Wilson was born Mary Towles Sasseen in western Kentucky. She spent most of her life in Henderson as a school teacher. Had she never become involved in the development and spread of Mother's Day, she still would have been recalled fondly by many western Kentuckians as a tireless, caring, and effective educator.

However, Wilson's story was not to end there. Spurred by the love and devotion she felt for her own mother, in 1887 Mary Sasseen held her first public Mother's Day celebration at the Center Street School in Henderson. In 1893 she published and dedicated to her mother a pamphlet entitled Mother's Day Celebration, which defined the holiday and suggested readings and activities suitable for its celebration.

In subsequent years she worked diligently toward the introduction of Mother's Day observations at schools and towns in Kentucky and elsewhere. When Sasseen attempted in 1899 to become one of the region's earliest female elected officials by running for Superintendent of Public Instruction, commentary regarding the campaign cited her as ''the author and originator of Mother's Day.''

Although Sasseen's attempts to win elective office failed, she continued to work for the furtherance of Mother's Day in America. In 1904 she married Judge William Marshall Wilson and moved to Freeport, Florida, which was to be the site of her untimely death in 1906. Less than a decade later, in response to the efforts of other notable Mother's Day advocates in the tradition of Mrs. Wilson, President Woodrow Wilson signed a joint resolution designating the second Sunday in May as Mother's Day.

Mrs. Wilson's efforts were recognized by the Kentucky General Assembly in 1926, when it passed a resolution acclaiming Mary Towles Sasseen as ''the originator of the idea of the celebration of Mother's Day'' and giving her credit for ''her splendid work in attempting to bring to the minds of children everywhere the full admiration, respect, and love due our mothers.''

I believe, Mr. Speaker, that these are efforts no less worthy of commendation today than when they were first carried out and honored over a century ago. It is my distinct pleasure to bring to the attention of this House the noteworthy legacy of Mrs. Wilson and all of the mothers she worked so hard to honor.

PERSONAL EXPLANATION

HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. RENZI. Mr. Speaker, on Tuesday, October 5, 2004, I was unavoidably detained and missed the last vote of the day. Had I been present I would have voted ''yea'' on H.R. 5011, the Military Personnel Financial Services Protection Act.

PERSONAL EXPLANATION

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Tuesday, October 5, 2004, the House had a vote on rollcall 494, on H.R. 163, a bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes. Had I been present, I would have voted ''no.''

The House also had a vote on rollcall 495, on H.R. 2929, a bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes and rollcall 496, on H.R. 5011, a bill to prevent the sale of abusive insurance and investment products to military personnel. Had I been present, I would have voted ''aye'' on both.

HONORING CITY OF MONTEVIDEO

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to honor the City of Montevideo who received the National Civic League 2004 All-America City Award.

The City of Montevideo is located in the southern part of the 7th Congressional District of Minnesota, where the prairie meets the Minnesota River Valley. Montevideo is a small rural community that has made a large impact in the surrounding area and through the Nation.

Although I have only represented Montevideo for a short period, they have been a shining example of a progressive community that has been able to keep their identity in a changing world. Most people round these parts have a mutual respect for preserving the outdoors while balancing economic growth and development. People who live in Montevideo maintain a quality of life filled with family and civic responsibilities. They take pride in public service and volunteering.

If the All-America City Award is described as ''. . . a Nobel Prize for constructive citizenship,'' then the City of Montevideo is an excellent example. The All-America City Award encourages and recognizes civic excellence, honoring the communities in which citizens, government, business, and non-profit organizations demonstrate successful resolution of critical community issues.

Whether you are picnicking along the Chippewa River or biking aside the Minnesota River, the City of Montevideo is a wonderful example of what a community is supposed to be. I am proud to represent the City of Montevideo and congratulate them on their outstanding performance among a Nation of communities.

TRIBUTE TO COY DEAN FORTSON

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Coy Dean Fortson who regretfully passed away recently. A life-long resident of Berrien County, Michigan, Coy was a dedicated family man whose extensive charity and dedication to local individuals and the community as a whole made southwest Michigan an even greater place to live and grow.

Coy valiantly served his country in the U.S. Air Force during the Korean War, and was a member of the Air Force Reserves for more than 30 years. Over his inspiring career at the Whirlpool Corporation, Coy helped to improve the lives of countless individuals who had the fortune of crossing his path. There is no question that Coy's passion for the betterment of our corner of Michigan will be greatly missed. He undoubtedly touched many lives as a member of Berrien County's FEMA Emergency Planning and Response Team. Coy also served on the Board of Directors for the local public library, where he spent many hours volunteering in order to expand the availability of educational resources for our extended community.

On behalf of the Sixth District of Michigan, our prayers and sincere regards go out to Coy's family and friends—he will certainly be deeply missed.

CONGRATULATIONS TO GREATER TULSA AREA HISPANIC AFFAIRS COMMISSION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. SULLIVAN. Mr. Speaker, I want to extend my congratulations to the Greater Tulsa Area Hispanic Affairs Commission in Tulsa, Oklahoma, for 25 years of service to the Hispanic community.

Then Mayor, James M. Inhofe, and Jack and Aurora Ramirez Helton formed the Greater Tulsa Area Hispanic Affairs Commission in 1979. A city ordinance and county resolution were enacted so that the Commission would continue in the future. In 1979 only a few cities in the United States had such a commission. The Commission's current work includes annual youth exchanges and adult exchanges, which are an established part of their partnership with Tulsa's Eisenhower International School. Eisenhower has the United States' only elementary school international exchange program in its relationship with San Luis Potosi's Instituto Cervantes.

May the commission have many more years of such valuable community service and prosperity.

HONORING TAIWAN PRESIDENT CHEN SHUI-BIAN

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. BOOZMAN. Mr. Speaker, I join my colleagues in honoring Taiwan President, Chen Shui-bian, and his people on the occasion of their October 10 National Day.

In the past two decades, Taiwan has truly emerged as a model Asian country. Secretary Powell said it well when he remarked, "Taiwan has become a resilient economy, a vibrant democracy and a generous contributor to the international community." In fact, Taiwan's economy is the 16th largest in the world. One third the size of Virginia, Taiwan produces a Gross National Product that is four-fifths the size of Australia's.

In addition, Taiwan's democracy gives its people a full range of political and civil rights, including freedom of speech and assembly. Taiwan also contributes to international causes. For example, in the last 10 years, Taiwan has given $100 million dollars to 78 countries and Taiwan is now providing a significant amount of humanitarian assistance to refugees in Afghanistan and Iraq.

Mr. Speaker, Taiwan has become a close friend of the United States. Our relationship with Taiwan is multifaceted and wide-ranging. While we do not have formal diplomatic relations with Taiwan, our mutual relationship has been able to flourish over many years. The United States and Taiwan have many common interests and shared values. Taiwan has been supportive of the United States, including our efforts in the war against global terror. In turn, the United States should help Taiwan return to the World Health Organization and the United Nations and commit ourselves to the Taiwan Relations Act, thus assuring Taiwan's security.

It is clear to us that the 23 million people of Taiwan prefer the status quo in the Taiwan Strait. They prefer peace, stability and continued prosperity instead of dramatic changes that might undermine or endanger what they have achieved. To reflect the will of the people, in his May 20 inaugural address to the Taiwanese people, Taiwan President Chen Shui-bian was very conciliatory toward China and offered to open talks with China without pre-conditions. In fact, he did not rule out any form of relationship with China as long as it would be acceptable to the people of Taiwan. During this difficult time, the United States should support Taiwan's security, dignity and sovereignty. We should listen to the 23 million people of Taiwan and heed their desire for continued peace and democracy.

Mr. Speaker, in closing I wish to congratulate Taiwan ambassador, Dr. David Lee, and the people of Taiwan on their National Day and wish them every success in their year-end legislative elections.

RECOGNIZING GARY, INDIANA MEMBERS OF NAACP

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to recognize and commend the members of the Gary, Indiana branch of the National Association for the Advancement of Colored People (NAACP). On Friday, October 15, 2004, the Gary NAACP will hold its 44th Annual Mary White Ovington Awards Banquet at St. Timothy Community Church's Fellowship Hall in Gary, Indiana.

This annual event is a major fundraiser for the Gary branch of the NAACP. The funds generated through this activity, and others like it, go directly to the organization's needed programs and advocacy efforts. In addition, the dinner serves to update and keep the community aware of the activities, accomplishments, and accolades of the local and national chapters of the NAACP on an annual basis.

The featured speaker at this gala event will be Dr. Mary Steele. Dr. Steele is the Superintendent of the Gary Community School Corporation. This is a celebration of the 50th Anniversary of the Brown vs. Board of Education, the 75th Birthday of Dr. Martin Luther King, Jr. and the 39th Anniversary of the Voting Rights Act. This year's theme is "The Race Is On. The Time Is Now." The NAACP Gary Branch will honor members of the community that have contributed to the cause of civil rights, labor and industry, the community, and its organization.

On February 12, 1909, the National Association for the Advancement of Colored People was founded by a multiracial group of activists, and their goal among many was to secure the political, economic, and social rights of all African Americans. For more than 95 years, the NAACP built and grew on the collective courage of thousands of people. As the Nation's oldest and largest civil rights organization, the NAACP has worked successfully with allies of all races who believe in and stand for the principles on which the organization was founded. Throughout its history, some of America's greatest minds have worked to effect change.

The Gary NAACP was organized by a group of residents that felt there was a need for an organization that would monitor and defend the rights of African Americans in Northwest Indiana. The national organization, of which the Gary branch is a member, focuses on providing better and more positive ways of addressing the important issues facing minorities in social and job-related settings. Like the national organization, the Gary branch of the NAACP serves its community by combating injustice, discrimination, and unfair treatment in our society.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to the members of the Gary NAACP for the efforts, activities, and leadership that these outstanding men and women have championed to improve the quality of life for all residents of Indiana's First Congressional District.

TRIBUTE TO DALLAS CHAFFINS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dallas Chaffins, an upstanding resident of the Fifth Congressional District of Kentucky. Chaffins, a 73-year-old coal miner in Eastern Kentucky, has been working underground for 56 years without ever having a lost-time injury. This remarkable accomplishment has earned him numerous awards and commendations, and I believe he deserves our recognition as well.

Born in Big Rock, Virginia, Dallas Chaffins started working in the coal mines on April 5, 1948, at the Buchanan Coal Company. Although he was only 17-years-old then, he had already been working for 6 years with his father in the timber industry. It's obvious that Dallas had a strong work ethic instilled in him from the time he was a little boy.

Throughout the next 6 decades, Dallas worked determinedly in the mines. During his career, he only took 2 years off, from October 1951 to October 1953, so he could serve his country in the United States Marine Corps.

And he's not quite ready to throw in his helmet yet.

He still rises each morning long before the sun does and heads to the mines to greet his coworkers with a handshake and a smile. You see, Dallas is known as much for his friendly disposition as he is his impeccable safety record. He attributes this characteristic to his devout faith in God. ''I believe if a person keeps his own conscience clean that he will shine on the outside,'' he recently told a reporter for a Kentucky newspaper. ''I think the Lord has blessed me with this. Yes, I give him all the credit.''

In addition to being a friend and mentor, and source of joy to countless miners throughout the years, Chaffins has reared 12 children and now enjoys spending time with 26 grandchildren.

Mr. Speaker, on behalf of my colleagues and myself, I want to congratulate Dallas Chaffins on 56 years of tireless, careful service in the mines. His hard work and integrity is an inspiration to others, both young and old, and Eastern Kentucky is a better place because of him.

HONORING DR. ROGER W. LITWILLER

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. GOODLATTE. Mr. Speaker, I rise today to pay tribute to a leader in the field of medicine and an outstanding citizen of the Commonwealth of Virginia, Roger W. Litwiller, M.D.

Dr. Litwiller soon will complete his term as national president of the American Society of Anesthesiologists (ASA). It is my pleasure to recognize one of the Roanoke Valley's own as the 2003–2004 president of this prestigious national organization that is recognized worldwide for its outstanding work in improving patient safety.

Founded in 1905, ASA is the predominant professional organization representing more than 39,000 anesthesiologists. Since its founding, ASA has been the leader in the development of patient safety standards and guidelines for the delivery of safe patient care before, during and after surgery. Efforts on the part of the organization and its members are recognized throughout the scientific and medical communities. The Institute of Medicine, in its 1999 report on medical errors, recognized the successes of organized anesthesiology in improving patient outcomes.

Anesthesiologists either directly administer or supervise 90 percent of all anesthetics performed throughout this country, in hospitals and outpatient surgical centers, and in urban and rural areas. Besides the operating room, anesthesiologists are often found treating patients' pain and delivering critical medical care to patients in hospital intensive care units, emergency rooms and diagnostic facilities.

Dr. Litwiller received his medical degree from the University of Florida College of Medicine in Gainesville, Florida, and completed his anesthesiology residency at Case Western Reserve University in Cleveland, Ohio, and the University of Virginia in Charlottesville, Virginia.

He is currently a staff anesthesiologist for Carilion Roanoke Memorial Hospital, Roanoke, Virginia; Montgomery Regional Hospital, Blacksburg, Virginia; and Carilion Brambleton Ambulatory Surgery Center. He has worked in the private practice of anesthesiology in Roanoke, Virginia for more than 30 years.

Dr. Litwiller has served the Virginia Society of Anesthesiologists as president, newsletter editor and member of the Board of Directors.

For ASA, Dr. Litwiller has served as president-elect, first vice president, delegate, director, and chair of the committees on Finance, Governmental Affairs and Physician Resources. During his tenure as ASA president, Dr. Litwiller has made unparalleled strides in bringing together the various practitioners in medicine—from the operating room to the critical care suite and beyond—who share patient safety as their common goal. He has worked tirelessly with other organizations representing those who care for patients, and has involved ASA in numerous campaigns to improve surgical care.

Through the ASA Expert Witness Review process, he has also worked to ensure the accuracy of testimony given in malpractice suits, thereby helping to address the medical liability crisis.

He has spoken to countless groups all over the country to promote ASA's work, to ensure the future of academic programs in anesthesiology, and to tackle any threat to the continued development of science and research held so dear by this specialty.

Over the last year he united the professional associations providing the vast majority of anesthesia care in this country by identifying common goals. This cooperation between anesthesiologists and certified registered nurse anesthetists resulted in efforts such as joint statements on clinical issues, visits to regulatory officials in Washington, D.C., and work with the Joint Commission on Accreditation of Healthcare Organizations on patient safety matters.

He has been guided by a vision of compassion, science, and political involvement as the cornerstones of the practice of anesthesiology, and in so doing has set an enduring example and created a legacy for his colleagues.

Mr. Speaker, I ask my colleagues to join me today in recognizing Roger W. Litwiller, M.D., for his notable career achievements, his exemplary leadership, his dedication to patient safety, and his legacy which will benefit the patients of today as well as tomorrow.

POLITICAL RELATIONS BETWEEN PUERTO RICO AND THE UNITED STATES

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. ACEVEDO-VILÁ. Mr. Speaker, the political status of Puerto Rico, and its relationship with the United States, is of great importance to the people of Puerto Rico. Puerto Rico has enjoyed Commonwealth status since 1952. One of the virtues of Commonwealth is precisely the fact that it possesses the flexibility to change the political status of Puerto Rico vis-a-vis the U.S., either within the framework of Commonwealth, or if the people choose other status options such as Statehood or Independence. Of course, Puerto Rico would work with the U.S. Congress towards implementing whichever option the people choose.

Since its creation, Commonwealth has been the preferred status option among the people of Puerto Rico. However, the people of Puerto Rico have failed in its previous efforts to improve Commonwealth because the different initiatives in Puerto Rico, as well as in this Congress, to deal with the status issue have not translated into concrete actions to implement the will of the people of Puerto Rico. Experience has shown that in order to have a true exercise of self-determination, we must work hard at achieving consensus among the people of Puerto Rico as to the process towards self-determination, in spite of our differences with regard to individual status preferences.

Hence, the Legislature of Puerto Rico approved Senate Concurrent Resolution 107 on July 22, 2004 which sets forth the public policy of said body that a Constitutional Assembly on Status is the preferred approach through which to exercise self-determination concerning the status of Puerto Rico and acknowledges these past failed attempts to deal with the status issue, recognizes the consensus among the people of Puerto Rico to effectively exercise their right to self-determination, and adopts the public policy that the Constitutional Assembly on Status is the best approach through which to exercise self-determination.

Accordingly, the Legislature of Puerto Rico has agreed to study and prepare legislation for the people to decide whether the Constitutional Assembly on Status is their preferred mechanism to deal with the status issue. Other mechanisms will be presented to the people. Thus the people will ultimately choose their preferred process. The legislation will also include the mechanisms through which delegates to the Assembly are elected, and will provide for its organization, if it is the option favored by voters.

At the same time, Senate Concurrent Resolution 107 orders the Puerto Rico Senate and

House Judiciary Committees to prepare a study and report with bills for the celebration of a referendum regarding the Constitutional Assembly, authorization of funds, and related matters. Such bills would guarantee the effective participation of representatives of the political parties and civil society; that the proposals to be considered by the people must stem from the principle of sovereignty in the future relationship of Puerto Rico and must be defined as being outside of the Territorial Clause of the U.S. Constitution; that the Constitutional Assembly must have attributes of deliberation and negotiation vis-a-vis the U.S. Government; and that every determination by the Assembly must be subject to ratification by the people through a referendum. The Committees shall issue its report by December 31, 2004, and it will thus be submitted for the consideration of the next Legislative Session.

Mr. Speaker, the Popular Democratic Party of Puerto Rico and I personally support the creation of a Constitutional Assembly on Status in order to deal with the status issue because it embodies the principle that it is the people of Puerto Rico who must decide their preferred political status, and that the process should be initiated in Puerto Rico. Therefore, we have made a commitment to initiate this process during the first half of 2005. At the same time, we recognize that even though this process is to be initiated in Puerto Rico, it cannot and should not be isolated from Washington. That is why, early in the process, Senate Concurrent Resolution 107 mandates notifying the White House, the President's Task Force on Puerto Rico's Status and the U.S. Congress of said Resolution.

Mr. Speaker, I rise today to, as requested by the Puerto Rico Legislature and in compliance with Article 6 of Senate Concurrent Resolution 107, notify this Congress of said Resolution by placing the English-language translation of Senate Concurrent Resolution 107, along with its certification, into the RECORD at this time. I am also sending a copy of Senate Concurrent Resolution, and its certification, to the U.S. Senate, the President of the United States, the President's Task Force on Puerto Rico's Status, and the United Nations' Special Committee on Decolonization.

Mr. Speaker, I am confident that the people of Puerto Rico will soon be able to truly exercise their right to self-determination in a meaningful manner, one in which the outcome will be a product of the democratic tradition we so dearly cherish.

CONCURRENT RESOLUTION 107

(To consign the public policy of the Legislature of Puerto Rico in facing and attending to the urgent need to review the political relations between Puerto Rico and the United States through a Constitutional Assembly on Status elected by the people in the exercise of the natural right to self-determination and sovereignty, and to initiate its organizational process)

STATEMENT OF MOTIVES

The right of the People to freely choose their system of government and their political destiny in relation to the other countries is an inalienable natural right: neither can legislation contrary to this right be admitted nor can a regime or legislation contrary to the full exercise of this right be admitted. This is thus consigned in several resolutions of the General Assembly of the United Nations Organization applicable to Puerto Rico.

The regime of the political relations between Puerto Rico and the United States of America remained subject for future deliberation since the conclusion of the deliberations of the Constitutional Convention on the political status of the People of Puerto Rico in 1952, which drafted the Constitution of the Commonwealth of Puerto Rico. This by virtue of Public Law 600 of the 81st Congress of the United States of 1950, adopted in a referendum held in Puerto Rico, which limited the deliberative and governmental framework of the Constitutional Convention from 1951 to 1952.

The Constitutional Convention of 1952 expressed through Resolution No. 23 that: ''The People of Puerto Rico reserve the right to propose and accept modifications in the terms of its relations with the United States of America, in order that these relations may at all times be the expression of an agreement freely entered into between the People of Puerto Rico and the United States of America.'' (Enacted February 4, 1952, and forwarded to the President of the United States).

This expression, based on a natural and constitutional right and of the highest democratic nature, was subsequently incorporated by the General Assembly of the United Nations Organization in its Resolution 748 (VIII) of November, 1953, regarding the documents submitted by the United States Government on the Constitution of the Commonwealth of Puerto Rico. It is thus stated in its ninth enabling paragraph where it is expressed, ''its assurance that, in accordance with the spirit of the present Resolution... due regard will be paid to the will of both the Puerto Rican and American peoples ... in the eventuality that either of the parties to the mutually agreed association may desire any change in the terms of this association.''

Since the effectiveness of the present status of political relationship between Puerto Rico and the United States, untiring efforts have been made to review the political status issue of Puerto Rico and the scope of the relationship with the United States of America. Specifically, in 1967, a consultation process of the people was held in which the majority of the participants reaffirmed their support to the Commonwealth option, and subsequently, in 1993, a second plebiscite was held, and once again the Commonwealth option was favored. Finally, in 1998, a new plebiscite was held in which the Legislature of Puerto Rico, and not the political parties or the representative groups of specific ideologies, defined the status options to be presented to the people. In said plebiscite, the ''None of the Above'' option was favored.

Likewise, in the past fifty-two years several efforts have been made to have the United States Congress enact legislation that would allow further the discussion of this issue. Specifically, we take notice of the efforts made through the Status Commission during the decades of the 60s and 70s; and from 1989 to 1991 by the U.S. Senate Resources Committee, and in the mid 90s, by the U.S. House of Representatives Resources Committee. None of these efforts was able to produce legislation that would effectively attend the discussion of status.

Having repeatedly approached through decades diverse methods, the Legislature of Puerto Rico, exercising its powers and faculties pursuant to the Constitution of the Commonwealth of Puerto Rico, proposes a consultation of the people so that they may determine the procedural mechanism they deem proper to deal with the issue of the political status of Puerto Rico, and the scope of the relationship with the United States of America. In this referendum a constitutional assembly will be presented as an alternative.

More than fifty years have elapsed since the establishment of the present status, and considering the manifest expressions of all representative sectors of the country on the need to make changes to the present relationship, it is proper for this Legislature to consult the people in order to initiate the process to elect an adequate mechanism to deal with the political status of Puerto Rico and its relationship with the United States of America: be it

Resolved by the Legislature of Puerto Rico:

GENERAL PROVISIONS

Section 1.—Statement of Public Policy.

It is hereby declared that the People of Puerto Rico have the inalienable natural right to self-determination and political sovereignty. In accordance thereto, this Legislature declares that, upon the failure of several processes for the exercise of this right, it is imperative for the people to exercise the same through a Constitutional Assembly on the status of the relationship between Puerto Rico and the United States of America.

Section 2.—The Legislature acknowledges the Report rendered on March 11, 2002, as directed by Senate Resolution 201 and House Resolution 3873, both recommending the mechanism of an Assembly of the People to consider the status issue.

Section 3.—It is proper to study and draft the legislation for the people to decide on the desirability of calling a Constitutional Assembly on Status. The legislation shall include the mechanisms to implement the election of delegates and the organization of the Constitutional Assembly on Status, if it is favored at the polls.

Section 4.—The Committee on the Judiciary of both Bodies shall prepare a study and report which shall contain projects of law for holding a referendum on the calling of said Constitutional Assembly, appropriation of funds, and every other measure or process needed to implement this public policy. The following shall be assured:

(a) The effective participation of the representatives of the political parties and the civil society.

(b) That the proposals to be submitted to the consideration of the people arise from the principle of sovereignty in the future political relationships of Puerto Rico, and be as such defined outside of the territorial clause of the Constitution of the United States of America.

(c) That the Assembly shall enjoy deliberative and negotiation attributes with the United States Government.

(d) That every determination of the Assembly shall be subject to ratification by the people at a referendum.

Section 5.—The Committee shall render its report before December 31, 2004, and thereby be submitted for the consideration of the next Regular Legislature.

Section 6.—A copy of this Concurrent Resolution, together with the results of the vote for its approval, shall be certified by the Office of the Secretary and of the Clerk of both Chambers, and remitted to the Special Decolonization Committee of the United Nations General Assembly, to the White House Interagency Committee on the Status of Puerto Rico, and to the Congress of the United States of America.

Section 7.—This Concurrent Resolution shall take effect upon its approval and constitutes public policy until its repeal or implemented.

I, José Ariel Nazario-Álvarez, Secretary of the Senate of the Commonwealth of Puerto Rico, hereby certify that the enclosed document is a true and exact copy of S. Conc. R. 107 approved on July 22 of 2004.

HONORING BERNARD HOPKINS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Philadelphia's own, Bernard ''The Executioner'' Hopkins. Mr. Speaker, my hometown is one of the greatest sports cities in the world. We have honored many champions over the years. But none of them is more revered than the undisputed Middleweight Champion of the world, Bernard Hopkins.

Bernard always dreamed of being a champion. He first showed his championship form at an early age, winning the Pennsylvania Junior Olympics at age nine. Mr. Speaker, Bernard Hopkins' name is frequently and properly mentioned in the same breath as the best middleweights in history. Men like Sugar Ray Robinson, Carlos Monzon and Marvelous Marvin Hagler. Even his latest opponent, Oscar De La Hoya once said that Hopkins is ''one of the great talents we've had in this generation.'' De La Hoya, who lost and was ko'd by a Hopkins left hook to the body, called the champ one of the top 5 boxers in history. And, like his championship, that description is undisputed. After all, he has won 45 professional bouts, 32 by knockout.

Let's put his record into perspective. Carlos Monzon formerly held the seemingly unbreakable record for successful title defenses, beating back 14 attempts to take his crown. But, Hopkins shattered that record back in 2002. Altogether, he has successfully defended his title 19 times since January, 1996.

This record is historic and he should be proud of it. But, Mr. Speaker, Philadelphians don't simply love and respect Bernard Hopkins the fighter. They love and respect Bernard Hopkins the man. He rose from humble beginnings to reach greatness. And he never left behind the city of his birth.

Bernard is a true role model. He works tirelessly with offenders, especially youth, to help them get on and stay on the straight and narrow. He is a husband and a father and great American.

Mr. Speaker, I know that all my colleagues join me in honoring a great champion, and an even greater person, Bernard Hopkins.

LETTERS FROM A MARINE OFFICER

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. SMITH of Texas. Mr. Speaker, I'd like to submit for the CONGRESSIONAL RECORD two letters that were forwarded to me by Bill and Bonnie Nofsinger. Their nephew, 1st Lt. Robert I. Nofsinger, is stationed in Iraq with the United States Marine Corps.

Lieutenant Nofsinger's letters contradict much of what has been reported in the national news media about the war on terror in Iraq. Reports have led some Americans to conclude that all of Iraq is in turmoil and despair, which is not supported by the facts. Much of the country is making the successful transition to stability.

Lt. Nofsinger writes:

''When you watch the news and see doomsday predictions and spiteful opinions about our efforts over here, you can refute them by knowing that we are doing a tremendous amount of good. So spread the word.''

Mr. Speaker, I will follow Lt. Nofsinger's advice and spread the word by submitting his eloquent and heartfelt letters for my colleagues and others to read.

HELLO EVERYONE: I am taking time to ask you all for your help. First off, I'd like to say that this is not a political message. I'm not concerned about domestic politics right now. We have much bigger things to deal with, and we need your help.

It seems that despite the tremendous and heroic efforts of the men and women serving here in Iraq to bring much needed peace and stability to this region, we are losing the war of perception with the media and American people.

Our enemy has learned that the key to defeating the mighty American military is by swaying public opinion at home and abroad. We are a people that cherish the democratic system of government and therefore hold the will of the people in the highest regard. We love to criticize ourselves almost to an endless degree, because we care what others think. Our enemies see this as a weakness and are trying to exploit it.

When we ask ourselves questions like, ''Why do they hate us?'' or ''What did we do wrong?'' we are playing into our enemies' hands. Our natural tendency to question ourselves is being used against us to undermine our effort to do good in the world. How far would we have gotten if after the surprise attacks on December 7, 1941 at Pearl Harbor, we would have asked, ''Why do the Japanese hate us so much?'' or ''How can we change ourselves so that they won't do that again?''

Here in Iraq the enemy is trying very hard to portray our efforts as failing and fruitless. They kill innocents and desecrate their bodies in hopes that the people back home will lose the will to fight for liberty. They are betting on our perceived weakness as a thoughtful, considerate people. Unfortunately our media only serves to further their cause. In an industry that feeds on ratings and bad news, a failure in Iraq would be a goldmine. When our so-called ''trusted'' American media takes a quote from an Iraqi doctor as the gospel truth over that of the men and women that are daily fighting to protect the right to freedom of the press, you know something is wrong. That doctor claimed that of the 600 Iraqis who were casualties of the fighting in Fallujah, the vast majority of them were women, children and the elderly. This is totally absurd. In the history of man, no one has spent more time and effort, often to the detriment of our own mission, to be more discriminate in our targeting of the enemy than the American military. The Marines and Soldiers serving in Iraq have gone through extensive training in order to avoid shedding innocent blood.

Yet, despite all of this, our media consistently sides with those who openly lie and directly challenge the honor of our brave heroes fighting for liberty and peace. What we have to remember is that peace is not defined as an absence of war. It is the presence of liberty, stability, and prosperity. In the face of the horrendous tyranny of the former Iraqi regime, the only way true peace was able to come to this region was through force. That is what the American Revolution was all about. Have we forgotten?

Freedom is not free and ''peace'' without principle is not peace. The peace that so-called ''peace advocates'' support can only be brought to Iraq through the military. And we are doing it, if only the world will let us!

If the American people believe we are failing, even if we are not, then we will ultimately fail. That is why I am asking for your support. Become a voice of truth in your community. Wherever you are, fight the enemy's lies. Don't buy into pessimism and apathy and say that it is hopeless, that they hate us too much, that this part of the world is just too messed up and it is our fault anyway, that we are to blame.

Whether you're in Middle School, working a 9–5 job, retired or a stay-at-home mom, you can make a huge difference! There is nothing more powerful than the truth. So, when you watch the news and see doomsday predictions and spiteful opinions about our efforts over here, you can refute them by knowing that we are doing a tremendous amount of good. Spread the word. No one is poised to make such an amazing contribution to the everyday lives of Iraqis and the rest of the Arab world than the American Armed Forces. By making this a place where liberty can finally grow, we are making the whole world safer.

Your efforts at home are directly tied to our success. You are the soldiers at home fighting the war of perception. So I'm asking you as fellow soldiers to do your duty; stop the attempts of the enemy wherever you are. You are a mighty force for good, because truth is on your side.

Together we will win this fight and ensure a better world for the future.

God Bless and Semper Fidelis,

1ST LT. ROBERT L. NOFSINGER USMC.

DEAR FRIENDS: Well, my unit has come to the end of its time here in Iraq and I wanted to send a final note. During the past seven months 3rd Battalion 11th Marines has accomplished much. Our artillery Battalion was given the mission of convoy security and provisional MP (Military Police) duties. From that mission gnaw other duties and we eventually ended up accomplishing a wide range of tasks.

We were assigned to assist the Iraqi Border Patrol along the Saudi Arabian border. Along with that came the responsibility to care for the nearby town of Nukhayb. It is a fairly small town that had been ravaged by two wars, 12 years of sanctions, and a tyrannical government that neglected its basic needs. Over the course of seven months, our small civil affairs section was able to spend roughly $1.3 million on the infrastructure, people of Nukhayb and outlying areas. The projects included the following:

Hospital renovation and medical supplies; school refurbishment; water supply improvement; sanitation equipment; regional fire department; agricultural cooperative; multiple power generators and transformers; equipment and gear for local Iraqi Security Forces; electrical rewiring; refurbishment of local government buildings; establishment of employment programs; and local mosque refurbishment.

Nukhayb is now a thriving active community with a renewed sense of direction. The local economy is rapidly increasing and is already far beyond where it was at any time during the past 30 years. 3/11's main mission was to provide convoy security for military and non-military convoys throughout Iraq. This was done with the utmost patience and professionalism. The Marines of 3/11 being trained as artillerymen, performed tremendously as provisional infantrymen without skipping a beat. As this war has only further proven, Artillerymen are the ''go to'' Marines of the Marine Corps. In the end 3/11 was responsible for escorting hundreds upon hundreds of vital convoys throughout the theater.

In addition to this responsibility 3/11 was asked to supervise and run a provincial Iraqi

Security College where Iraqi Security Forces were trained to take control of their country. The college was so successful that it is now entirely run by Iraqis.

Continuing the Military Police role 3/11 also maintained and operated a provincial detention facility where detainees were treated with respect and humanity. Long before incidents at other prisons in Iraq were discovered, 3/11 set the highest of possible standards in the country for quality of care and facility conditions. The detention facility has been heralded as a hallmark in our area of operations and brings much praise to the battalion.

All along the way 3/11 was asked to step outside its area of expertise and provide the highest level of performance, and each time the expectations were met and exceeded. Few units if any can claim to have accomplished such a wide variety of missions in such a short period of time. The Marines of 3rd Battalion 11th Marines can return home to their loved ones knowing they provided absolutely vital contributions to the war in Iraq. The Iraqi people have never known liberty in their entire history and now they finally have a chance to live free. With Marines and soldiers out there like those from 3/11, the war on terror will be definitively won and the world will know a higher level of freedom and prosperity than it has ever known. I personally want to thank each of you who have supported me through this journey. I will never be able to put into words, my appreciation for all you have done for me. My definition of family has grown exponentially since being over here and I thank you. But more than just your personal support I am grateful for your support of the cause. Not everyone in America is educated enough to understand the full importance of what we are doing in this part of the world and I am so thankful that you all do. Freedom and liberty are fragile and America seems to be one of the only countries actively fighting to ensure that they do not perish from this earth. Your continued efforts at home are much needed in spreading the truth. Together we will win this fight and secure a better future for the whole world.

God Bless and Semper Fidelis,
1ST LT. ROBERT L. NOFSINGER USMC.

INTRODUCTION OF THE LET PARENTS RAISE THEIR KIDS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PAUL. Mr. Speaker, I rise to introduce the Let Parents Raise Their Kids Act. This bill forbids Federal funds from being used for any universal or mandatory mental-health screening of students without the express, written, voluntary, informed consent of their parents or legal guardians. This bill protects the fundamental right of parents to direct and control the upbringing and education of their children.

The New Freedom Commission on Mental Health has recommended that the Federal government adopt a comprehensive system of mental-health screening for all Americans. The commission recommends the government implement universal or mandatory mental-health screening in public schools as a prelude to expanding it to the general public. However, neither the commission's report nor any related mental-health screening proposal requires parental consent before a child is subjected to mental-health screening. Federally funded universal or mandatory mental-health screening in schools without parental consent could lead to labeling more children as ''ADD'' or ''hyperactive'' and thus force more children to take psychotropic drugs, such as Ritalin, against their parents' wishes.

Already, too many children are suffering from being prescribed psychotropic drugs for nothing more than children's typical rambunctious behavior. According to the Journal of the American Medical Association, there was a 300-percent increase in psychotropic drug use in two to four year old children from 1991 to 1995!

Many children have suffered harmful side effects from using psychotropic drugs. Some of the possible side effects include mania, violence, dependence, and weight gain. Yet, parents are already being threatened with child abuse charges if they resist efforts to drug their children. Imagine how much easier it will be to drug children against their parents' wishes if a Federal mental-health screener makes the recommendation.

Universal or mandatory mental-health screening could also provide a justification for stigmatizing children from families that support traditional values. Even the authors of mental-health diagnosis manuals admit that mental-health diagnoses are subjective and based on social constructions. Therefore, it is all too easy for a psychiatrist to label a person's disagreement with the psychiatrist's political beliefs a mental disorder. For example, a federally funded school violence prevention program lists ''intolerance'' as a mental problem that may lead to school violence. Because ''intolerance'' is often a code word for believing in traditional values, children who share their parents' values could be labeled as having mental problems and a risk of causing violence. If the mandatory mental-health screening program applies to adults, everyone who believes in traditional values could have his or her beliefs stigmatized as a sign of a mental disorder. Taxpayer dollars should not support programs that may label those who adhere to traditional values as having a ''mental disorder.''

Mr. Speaker, universal or mandatory mental-health screening threatens to undermine parents' right to raise their children as the parents see fit. Forced mental-health screening could also endanger the health of children by leading to more children being improperly placed on psychotropic drugs, such as Ritalin, or stigmatized as ''mentally ill'' or a risk of causing violence because they adhere to traditional values. Congress has a responsibility to the nation's parents and children to stop this from happening. I, therefore, urge my colleagues to cosponsor the Let Raise Their Kids Act.

TRIBUTE TO THE HONORABLE DONALD GLENN BROTZMAN

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. HEFLEY. Mr. Speaker. I rise today to recognize and remember the life of former Republican Congressman Donald Brotzman of Colorado, who recently passed away at the age of 82. Congressman Brotzman honorably represented Colorado's second Congressional District from 1962 through 1975, during some of this great nation's most tumultuous and trying times.

He was born June 28, 1922 on a farm in Logan County, on Colorado's eastern plains. Both a musician and three-sport athlete at Sterling High School, Don Brotzman won a football scholarship in 1939 to the University of Colorado in Boulder where he was an all-conference center and varsity letter-winner in shot put and discus.

As war continued to rage on the other side of the world, Don Brotzman delayed his education and served as an Army officer in Yokohama, Japan, and the Philippines through World War II. Following the end of the war, he returned to Boulder to complete degrees in business and law in 1949.

Mr. Brotzman began working as a lawyer in Boulder in 1950, and was elected to the Colorado House of Representatives in 1952 and later the State Senate. Local media named him the outstanding freshman member in both chambers.

By 1959, he was appointed United States Attorney for Colorado by President Eisenhower and served as such until he was elected to the U.S. House of Representatives in 1962, where he was voted president of his freshman class.

Congressman Brotzman served five terms and helped to shape laws such as the Clean Air Act and the Public Broadcasting Act. He reached across the aisle to champion causes such as the Indian Peaks Wilderness Area west of Boulder, a national program to help runaway youth and a tax credit for higher-education expenses. Despite serving on the minority side of the aisle, he successfully found the funds to complete the Chatfield Dam and Reservoir, and sponsored the bill authorizing the building of Bear Creek Dam and Reservoir in Colorado.

Furthermore, he persuaded the Johnson Administration to sponsor a study that eventually changed the Army's environmental practices at the Rocky Mountain Arsenal in Adam's County, Colorado, and he was one of the first members of Congress to call for an all-volunteer military.

Colorado lost a great friend and a tremendous leader when it lost Donald Brotzman. His strong western values and commitment to always do what was right, despite partisan interests and outside persuasion, has continued to serve as a great example.

RECOGNIZING SPIRIT OF JACOB MOCK DOUB AND EXPRESSING SENSE OF CONGRESS THAT ''NATIONAL TAKE A KID MOUNTAIN BIKING DAY'' SHOULD BE ESTABLISHED IN JACOB MOCK DOUB'S HONOR

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of House Concurrent Resolution 480, expressing the sense of Congress that ''National Take a Kid Mountain Biking Day'' should be established in honor of Jacob Mock Doub.

The youth of today's America are becoming less and less active. The U.S. Surgeon General reports the percentage of overweight children has nearly tripled in the past two decades. Forecasts also predict the current generation of children in the United States could actually have a shorter life span than their parents as the epidemic of childhood obesity expands.

Promoting physical activity and diet are critical in addressing the rise of childhood obesity and youth inactivity and Congress should be supportive in addressing this important issue. Certainly more needs to be done but this resolution is a step in the right direction to raise awareness and move the discussion forward.

The resolution also honors Jacob Mock Doub, a young man who had a great passion for life and for cycling. He encouraged many young people like himself to get involved with the activity.

I urge my colleagues to support this legislation.

For the information of our colleagues, I am attaching an item from the International Mountain Biking Association, IMBA, that provides additional information about Jacob Mock Doub.

JACOB MOCK ''JACK'' DOUB

Jul. 11, 1985—Oct. 21, 2002.

One year ago this October we unexpectedly lost a great friend and brother when Jack Doub died from complications from an injury received during practice for the Snowshoe NORBA National downhill race last June. To honor Jack's spirit and love of biking we have in association with IMBA, helped to establish the Jack Doub Memorial Fund to promote and encourage other ''kids'' to learn and live to ride. To understand Jack and his love of biking is to understand our wishes to continue his memory. Jack was born to two energetic and loving parents who greatly enjoyed the outdoors and early on Jack enjoyed the same. Skiing at age 18 months, he became an unbelievable freestyle and backcountry skier . . . the best. In life Jack learned to climb, to kayak, to motocross race, and to fly fish. By age 11 Jack's fly-fishing skills and abilities to see and catch fish were legend. It was almost unbelievable that he literally could do anything he wanted and at levels of skill that others only dream about, all of this while quiet, reserved, and humble.

Ultimately Jack was introduced to biking at age 11 near Grandfather Mountain, N.C. He saw a friend riding, doing a few tricks and he wanted to learn to wheelie. He was hooked. Within a week he could wheelie like crazy and soon obtained a new Gary Fisher Super Caliber on which he won essentially every cross-country race he entered for two years. Although remaining the best fly fisherman around at age 13, biking had become Jack's obsession. It was at age 13 that Jack obtained a Santa Cruz Super 8 and began racing downhill as well; again nothing but success. One of Jack's greatest sparks was participating in mountain bike ''dirt'' camp during the summer of 1998 at Snowshoe, WV, and this is also where he raced his last race.

From age 14 to 17 Jack rode primarily downhill and dual slalom. He found it difficult to train and ride downhill and dual slalom and have the energy to race cross-country on the same day. Cross-country was great but Jack was an adrenalin junkie . . . fast and furious. The neat thing about Jack however was not his desire to race and to win but his absolute love of being on the bike. Whether he podiumed or came in 23rd, his response was always, ''it was great.'' He never complained or had excuses and no matter how bad the mechanical failure or the crash, he always finished . . . never a DNF or withdrawal. For Jack, it was all about the bike . . . cross-country, downhill, dual slalom, trials, or as always just playing in the yard; there were very few days that he didn't touch the bike.

Jack rode many bikes and greatly loved his Spooky, his intense M1, and his Santa Cruz Heckler but his real favorite was his Foes Zigzag on which he came in second at the NORBA Snowshoe National in junior expert dual slalom in his last race ever. His accident occurred the next day in downhill training where as usual he was trying to air a major jump and obstacle . . . he later rode but never raced again. His accomplishments were extensive and are too numerous to detail nor would that be his focus.

Jack's last ride occurred approximately one week before he died. He was excited to ride a new trail with a group of us. Out of shape but never out of energy, he wheelied the mile to the trail including down a 200 yard hill all the way on a wheelie manual to a nose manual. As usual we were all amazed. During the two hour ride we rode hard, played hard and had worlds of fun. Jack rode through the pain and upset stomach while laughing and smiling and could only talk of getting back in shape and coming back. God, do we miss that next ride with Jack.

Despite all of Jack's great accomplishments and skills, his greatest strength was involving and encouraging others to ride, especially children. Jack would skip chances to hang out with his peers just to go to Hobby Park and teach young kids to ride and jump dual slalom . . . he did this even while injured. On occasions he was known to stop in a race and help other individuals. During one 12 hour race he rode two extra laps just to give his friends a break and lessen their pain so as to have more fun. Most importantly he greatly enjoyed seeing his friends do well, especially ''Tone Dog'', ''Magoo'', Jonathan, and Will. Jack's smiles were as big or bigger for their successes than for his own. Jack at heart wanted others to encounter and love life and biking as much as he did.

Jay de Jesus wrote in a letter to Jack's dad, Jay after Jack's death; Jack was . . . ''up all night doing manuals and wheelies all the way across the courtyard at Snowshoe Village, the same nice, intelligent, bike-crazy kid with the ever present smile . . . every night, just riding on and on.'' There are no real answers to Jack's passing away, just a huge void. May that void be filled with our smiles and those of other kids experiencing the awesome joy of biking and as Jack would want us to do . . . ''riding on and on''. The Jack Doub Memorial Fund hopes in some small way to continue his spirit and memory to that end. Jack Doub . . . orange helmet, red hair and blue jeans . . . rest in peace brother as you ride in our hearts and memories forever.

FRIENDS OF JACK DOUB.

HONORING FRANK WACHOWSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding gentleman, Frank Wachowski, more commonly known as ''The Chicago Weather Man,'' who will be honored on October 16, 2004 with the prestigious Thomas Jefferson Award. It is with great honor that I recognize the contribution of a man who continues to serve the Chicagoland area and the state of Illinois.

The Thomas Jefferson Awards are presented to people who work to better their communities through volunteer and community services. They are ordinary people who do extraordinary things without expectations of recognition or reward.

For over 25 years, Frank Wachowski has volunteered his services as a cooperative observer for the National Weather Service and has closely worked with Tom Skilling, chief meteorologist at WGN–TV in Chicago. More than 11,000 volunteers nationwide take observations on farms, in urban and suburban areas, National Parks, seashores, and mountaintops. The Cooperative Network has been recognized as the most definitive source of information on our nation's climate trends as the data collections are truly representative of where people live, work and play.

Mr. Speaker, I ask that my colleagues join me today in honoring Frank Wachowski for all of his hard work and dedication, as I hope that others are inspired by him to become involved in community service projects.

RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF LONNIE AND LUCIA ROARK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Ms. SOLIS. Mr. Speaker, today I rise in order to recognize Lonnie and Lucia Roark, who will celebrate their 50th wedding anniversary on October 23rd, 2004.

I have had the pleasure of knowing both of these wonderful people because they are valued friends of my parents. Lonnie, a native of Oklahoma, relocated to California and worked alongside my father, Raul Solis. Lucia and my mother are both originally from Nicaragua.

It has been said that once Lonnie met Lucia, everyone knew that she was his reason for living. What started out as friendship eventually blossomed into true devotion and a growing unconditional love. They became husband and wife on October 23, 1954, and remain so until this day.

This inspirational couple met in Los Angeles and raised their family in the nearby suburb of La Puente. Today, they continue to live in La Puente and are blessed with 3 children, 5 grandchildren and 2 great-grandchildren.

In addition, they are a treasured part of the Solis family as well. Lonnie and Lucia are the proud godparents of my sister Anna. I am proud to say that they will always be a part of our family.

I wish to congratulate them on their 50th anniversary. May they continue to share a life of love and happiness.

ARUBA

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. BACHUS. Mr. Speaker, year after year thousands upon thousands of Americans die

of illicit drugs. Year after year billions upon billions of dollars end up in the hands of the cartel bosses who traffic these deadly goods. The flow of drugs will only stop if the flow of money can be contained. It can only be contained if our allies all over the world work together with us to rid the world of that terrible scourge. I rise today to pay tribute to one of those important allies, the Caribbean nation of Aruba. This small island state is leading the way in efforts to counter drug trafficking and drug-related money laundering.

In the past, money laundering organizations have attempted to use Aruba's offshore banking and incorporation systems, free-zone areas, and resort/casino complexes to transfer and to launder drug proceeds. However, the timely implementation and rigorous enforcement of anti money-laundering and asset-seizure laws have set an example for others to follow.

Prime Minister Nelson Oduber and the Government of Aruba should be commended for recently issuing several decrees on money laundering that include increased oversight of casinos and insurance companies. The Government of Aruba also is in the process of instituting reporting requirements for cross-border currency movements in excess of 20,000 Aruban florins, approximately US$11,200. Aruba has a Financial Intelligence Unit and is a member of the Egmont Group, an international group of financial intelligence units.

The Aruba Organized Crime Unit and the Criminal Intelligence Unit of the Coast Guard of the Netherlands Antilles and Aruba fight drug trafficking right alongside the United States Drug Enforcement Agency. Furthermore, Aruba serves as one of two forward operating locations in the Caribbean for U.S. counterdrug aircraft. The forward operating location, located at Queen Beatrix Airport near Oranjestad, provides a landing and servicing area for counterdrug detection and monitoring missions in the region.

For this cooperation, I would like to express the heartfelt thanks of the American people. With allies like Aruba on our side, we can win this war, too.

IN HONOR OF THE 350TH ANNIVERSARY OF THE CONGREGATION SHEARITH ISRAEL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. NADLER. Mr. Speaker, on September 12, 2004 a service was held for the 350th anniversary of the Congregation Shearith Israel in New York City. The Congregation, founded by 23 impoverished Brazilian Jews seeking refuge in New Amsterdam, marked the beginning of Jewish life in America. What began as a small settlement, nearly 122 years before American independence, grew into a community that not only benefited from the equality and religious freedom found here, but had a profound influence on such ideals over the course of American history. The American Jewish community has played a role in the extension of freedom, justice and social equality to all our people. Mr. Speaker, I would like to enter into the RECORD the sermon given by Rabbi Marc D. Angel on the occasion of the 350th anniversary of the Congregation Shearith Israel.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.'' These words from the American Declaration of Independence reflect the deepest ideals and aspirations of the American people. America is not merely a country, vast and powerful; America is an idea, a vision of life as it could be.

When these words were first proclaimed on July 4, 1776, Congregation Shearith Israel was almost 122 years old. It was a venerable community, with an impressive history—a bastion of Jewish faith and tradition, and an integral part of the American experience. When the British invaded New York in 1776, a large group of congregants including our Hazan Rev. Gershom Mendes Seixas, left the city rather than live under British rule. Many joined the Revolutionary army and fought for American independence.

Some remained in New York, and conducted services in our synagogue building on Mill Street. Early in the war, two British soldiers broke into the synagogue and desecrated two Torah scrolls. This was not just an attack on scrolls, but was a symbolic assault on the spiritual foundations of Judaism, the self-same foundations upon which the American republic has been built. In our service today, we read from one of these Torah scrolls as a symbolic response to those soldiers, and to all those who would seek to undermine the eternal teachings of Torah and the principles of American democracy: we are not intimidated, we are not afraid. Generation by generation, we will continue to live by our ideals and by our faith. Generation by generation, we will lend our strength to the great American enterprise that promises hope and freedom, one nation under God, with liberty and justice for all.

Our story in America is not built on historical abstractions, but on generations of Jews who have played their roles in the unfolding of this nation. It is a very personal history, ingrained in our collective memory.

Attending this service today are descendants of Jews of the Colonial period, whose ancestors served in the American Revolution; descendants of families including de Lucena, Gomez, Nathan, Hendricks, Phillips, Franks, Cardozo, Seixas. We welcome descendants of Rev. Johannes Polhemus, minister of the Dutch Reformed Church, who was on the same ship as the first group of 23 Jews who arrived in New Amsterdam in September 1654.

We welcome representatives of our sister congregations that date back to the Colonial period: from the Touro Synagogue in Newport; from Mikveh Israel in Philadelphia; we have representatives or words of congratulations from the historic congregations in Savannah, Charleston and Richmond. We welcome members of our sister congregation, the Spanish and Portuguese community of London.

We welcome elected officials and representatives. We welcome officers of the 20th precinct, who serve our community with courage and dedication. We welcome leaders of the American Jewish community, and those who have worked so hard for Celebrate 350, the national umbrella group commemoration the 350th anniversary of American Jewry. Indeed we welcome all congregants and friends who have gathered here today on this historic occasion.

A number of those present today participated in the Tercentenary celebrations of 1954. We have a member here today whose mother—now 107 years old—was part of our community during the 250th anniversary celebrations in 1904/5.

Among us are descendants of Jews from all parts of the world, Jews who came to America at different times and under different circumstances; including those who are themselves first generation Americans and first generation Jews. For 350 years, our generations have been part of the American experience, and have striven to make this a better nation.

We have just read from the Revolutionary Period Torah scroll, from the section know as ''Kedoshim'', only a few columns from where the British soldier damaged the scroll. Kedoshim opens with a challenge to the people of Israel to be a holy nation, to live according to the commandments of God, to have the courage and inner strength to maintain Torah ideals in a world that is not always receptive to such lofty teachings. The portion goes on to specify how we are to manifest holiness: through charity; honesty; commitment to truth and justice; through the avoidance of gossip and hatred. It culminates with the words: ve-ahavta le-re-aha kamokha, and you shall love your neighbor as yourself. The very principles of enjoined by this passage are the spiritual foundations of the United States of America. These teachings are constant reminders of how to live a good life and build a righteous society; they also are prods to make us realize how far short we fall from these ideals, how much more work remains to be done.

On this 350th anniversary of the American Jewish community, we reflect on the courage and heroic efforts of our forbearers who have maintained Judaism as a vibrant and living force in our lives. We express gratitude to America for having given us—and all citizens—the freedom to practice our faith. This very freedom has energized and strengthened America.

Within Congregation Shearith Israel, we have been blessed with men and women who have helped articulate Jewish ideals and American ideals. Their voices have blended with the voices of fellow Americans of various religions and races, to help shape the dream and reality of America.

The American Declaration of Independence pronounced that all men are created equal. In his famous letter to the Jewish community of Newport, in August 1790, President George Washington hailed the United States for allowing its citizens freedom—not as a favor bestowed by one group on another—but in recognition of the inherent natural rights of all human beings. This country, wrote President Washington, ''gives bigotry no sanction, to persecution no assistance''.

And yet, if equality and human dignity are at the core of American ideals, the fulfillment of these ideals have required—and still require—sacrifice and devotion. Reality has not always kept up with the ideal. In 1855, Shearith Israel member Uriah Phillips Levy—who rose to the rank of Commodore in the U.S. Navy—was dropped from the Navy's active duty list. He was convinced that anti-Semitism was at the root of this demotion. He appealed the ruling and demanded justice. He asked: are people ''now to learn to their sorrow and dismay that we too have sunk into the mire of religious intolerance and bigotry? . . . What is my case today, if you yield to this injustice, may tomorrow be that of the Roman Catholic or the Unitarian, the Presbyterian or the Methodist, the Episcopalian or the Baptist. There is but one safeguard: that is to be found in honest, whole-hearted, inflexible support of the wise, the just the impartial guarantee of the Constitution.'' Levy won his case. He helped the United States remain true to its principles.

Shearith Israel member Moses Judah (1735–1822) believed that all men were created

equal—including black men. In 1799, he was elected to the New York Society for Promoting the Manumission of Slaves. During his tenure on the standing committee between 1806 and 1809, about 50 slaves were freed. Through his efforts, many other slaves achieved freedom. He exerted himself to fight injustice, to expand the American ideals of freed and equality regardless of race or religion.

Another of our members, Maud Nathan, believed that all men were created equal but so were all women created equal. She was a fiery, internationally renowned suffragette, who worked tirelessly to advance a vision of America that indeed recognized the equality of all its citizens—men and women. As president of the consumer league of New York from 1897–1917, Maud Nathan was a pioneer in social activism, working for the improvement of working conditions of employees in New York's department stores. Equality and human dignity were the rights of all Americans, rich and poor, men and women.

The Declaration of Independence proclaimed that human beings have unalienable rights; among them are life, liberty and the pursuit of happiness. These words express the hope and optimism of America. They are a repudiation of the tyranny and oppression that prevailed—and still prevail—in so many lands. America is a land of opportunity, where people can live in freedom. The pursuit of happiness really signifies the pursuit of self-fulfillment, of a meaningful way of life. America's challenge was—and still is—to create a harmonious society that allows us to fulfill our potentials.

President George Washington declared a day of national Thanksgiving for November 26, 1789. Shearith Israel held a service, at which Hazan Gershom Mendes Seizas called on this congregation ''to unite, with cheerfulness and uprightness . . . to promote that which has a tendency to the public good.'' Hazzan Seixas believed that Jews, in being faithful to Jewish tradition, would be constructive and active participants in American society.

Life, liberty, and the pursuit of happiness were not reserved only for those born in America; they are the rights of all human beings everywhere. This notion underlies the idealism of the American dream, calling for a sense of responsibility for all suffering people, whether at home or abroad. American Jews have been particularly sensitive and responsive to this ideal.

On March 8th, 1847, Hazan Jacques Judah Lyons addressed a gathering at Shearith Israel for the purpose of raising funds for Irish famine relief. The potato crop in Ireland had failed in 1846, resulting in widespread famine. Hazan Lyons well realized that the Jewish community needed charitable dollars for its own internal needs; and yet he insisted that Jews reach out and help the people of Ireland. He said that there was one indestructible and all-powerful link between us and the Irish sufferers: ''That link, my brethren, is HUMANITY! Its appeal to hear surmounts every obstacle. Clime, color, sect are barriers which impede not its progress thither.'' In assisting with Irish famine relief, the Jewish community reflected its commitment to the well-being of all suffering human beings. American Jewry grew into—and has continued to be—a great philanthropic community perhaps unmatched in history. Never have so few given so much to so many. In this, we have been true to our Jewish tradition, and true to the spirit of America.

Who articulated the hope and promise of America more eloquently than Emma Lazarus? ''Give me your tired, your poor, your huddled masses yearning to breath free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door.'' How appropriate is it that her poem is affixed to the great symbol of American freedom, the Statue of Liberty.

Alice Menken, (for many years president of our Sisterhood) did remarkable work to help immigrants, to assist young women who ran into trouble with the law, to promote reform of the American prison system. She wrote: ''We must seek a balanced philosophy of life. We must live to make the world worth living in, with new ideals, less suffering, and more joy.''

Americans see ourselves as one nation, indivisible, under God, with liberty and justice for all. Yet, liberty and justice are not automatically attained. They have required—and still require—wisdom, vigilance, and active participation. American legal tradition has been enriched by the insights and the work of many American Jews.

In one of his essays, Justice Benjamin Nathan Cardozo—a devoted member of Shearith Israel—referred to a Talmudic passage which has been incorporated into our prayer book. It asks that the Almighty let His mercy prevail over strict justice. Justice Cardozo reminded us that the American system relies not only on justice—but on mercy. Mercy entails not merely an understanding of laws, but an understanding of the human predicament, of human nature, of the circumstances prevailing in human society. Another of our members, Federal Judge William Herlands, echoed this sentiment when he stated the Justice without Mercy—is just ice!

Our late rabbis Henry Pereira Mendes, David de Sola Pool and Louis C. Gerstein, were singularly devoted to social welfare, to religious education, to the land of Israel. They distinguished themselves for their devotion to Zionism, and played their parts in the remarkable unfolding of the State of Israel. They, along with so many American Jews, have keenly understood how much unites Israel and the United States—two beacons of democracy and idealism in a very troubled world.

These individuals—along with so many other American Jews—were exponents of the American ideals and the American dream. During the past 350 years, the American Jewish community has accomplished much and contributed valiantly to all aspects of American life. We have been free to practice our faith and teach our Torah. We have worked with Americans of others faiths and traditions to mold a better, stronger, more idealistic nation.

America today is not just a powerful and vast country. It is also an idea, a compelling idea that has a message for all people in all lands. As American Jews, we are committed to the ideals of freedom and equality, human dignity and security, to life, liberty, and the pursuit of happiness, the pursuit of harmony among ourselves and throughout the world. We have come far as a nation, but very much remains to be done. May God give us the strength and the resolve to carry on, to work proudly as Jews to bring the American dream to many more generations of humanity.

I close with a prayer spoken by Mordecai Manuel Noah at the consecration of our second Mill Street Synagogue on April 17, 1818: ''May we prove ever worthy of His blessing; may He look down from His heavenly abode, and send us peace and comfort; may He instill in our minds a love of country, of friends, and of all mankind. Be just, therefore, and fear not. That God who brought us out of the land of Egypt, who walked before us like 'a cloud by day and a pillar of fire by night,' will never desert his people Israel.''

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 2004

Mrs. MALONEY. Mr. Speaker, I rise in support of H.R. 5011, a bill to correct abusive practices in the sale of financial products to our military.

This bill was strongly supported by myself and all my colleagues on the Financial Services Committee because it provides a necessary correction to a real problem.

Over the past several years, we have seen the growth of unprincipled sales practices pushing marginal financial products, blatantly unsuitable for military personnel.

These contractual plans impose staggering fees and draconian early termination penalties.

They are so undesirable that they are not sold in the civilian market, where the force of normal competition has driven them out.

All the more shame that certain brokers used privileged on-base access to military personnel to force this product on servicemen facing combat.

Our nation's military personnel deserve the best possible financial advice about all the options available to them, with complete and accurate information, clearly presented.

At the very least, they shouldn't be subjected to unscrupulous sales practices or offered financial products that no civilian would choose and that are not suitable for any investor. We should have banned these products and practices years ago; it is high time to do so now.

CONGRATULATIONS TO PARTNERS OF THE AMERICAS ON THEIR 40 YEAR ANNIVERSARY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. FARR. Mr. Speaker, in 1963 President John F. Kennedy launched the Alliance for Progress, a program of government-to-government economic cooperation across the Western Hemisphere. At the same time, he called for the creation of a parallel people-to-people initiative and the Partners of the Alliance was established the following year. After its founding, the idea of engaging in citizen-to-citizen programs under the direct participation and leadership of the people of the Americas led to the Alliance's re-organization in the private sector. With this change in status also came a new name: Partners of the Americas.

Today Partners of the Americas celebrates 40 years of bringing together citizen volunteers, their institutions and communities from throughout the Americas to address shared concerns of economic, social and cultural development. Partners' commitment to building on these enduring relationships among people of Latin America, the Caribbean and the U.S. is what makes Partners truly unique. These relationships fostered by Partners help spark creative ideas, cultivate friendship and ultimately, produce positive change.

Mr. Speaker, I wish to congratulate Partners of the Americas on its work over the past 40 years. Partners embraces the wonderful diversity of the Western Hemisphere and plays a crucial role in building cross-cultural understanding, inspiring hope and creating opportunity. I know others join me in wishing Partners of the Americas continued success in their service to citizens of the Western Hemisphere.

TRIBUTE TO JOHN FEE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. SAXTON. Mr. Speaker, I rise today to commend John Fee, a constituent from Delran, New Jersey, who is currently participating in the Bristol-Myers Squibb Tour of Hope. John was chosen from nearly 1,200 cyclists nationwide to be one of 20 cyclists participating in this awareness-raising tour for cancer research.

The Tour of Hope is a grueling eight-day bike journey across America that is designed to help raise awareness about the need for increased participation in cancer clinical trials. This cross-country tour was designed by Bristol-Myers Squibb and Lance Armstrong, six-time Tour de France winner and cancer survivor, who credits his survival to the many people before him who participated in the clinical trials that ultimately led to the development of the treatment that saved his life.

By participating in the Tour of Hope, which began on October 1st in Los Angeles and will conclude on October 8th here in Washington, DC, John has dedicated himself to being a part of the effort to cure cancer. During his eight-day journey across America, John and his team will be selflessly delivering the Tour's message—the need to support cancer research—to communities across our Nation.

John's commitment to this worthy cause stems from personal, family experiences with cancer, and his bravery and generosity in confronting this issue head-on is commendable. With advocates like John, I am confident that we can ultimately conquer cancer once and for all.

CONGRATULATIONS TO MISSOURI SHERIFF OF THE YEAR, SHERIFF KERRICK ALUMBAUGH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. SKELTON. Mr. Speaker, let me take this opportunity to congratulate Sheriff Kerrick Alumbaugh for being named the Missouri Deputy Sheriffs' Association's 2004 ''Sheriff of the Year.''

Sheriff Alumbaugh was born on March 19, 1964, in St. Charles, Missouri. He graduated from Lafayette County C1 High School in Higginsville, Missouri. Later, he graduated from the FBI National Law Enforcement Academy.

In September 1985, Sheriff Alumbaugh began his law enforcement career as a patrolman for the Higginsville, Missouri, Police Department. Then, in 1993, he became the Chief of Police of Higginsville, Missouri. He became the Sheriff of Lafayette County on January 1, 2001.

During his time as Sheriff, he has had many accomplishments. Sheriff Alumbaugh formed a county-wide crime scene team comprised of local police agencies and trained by the Kansas City Crime Scene Unit, fought to give deputies a living wage, and was instrumental in the passage of the county-wide law enforcement tax and a new jail and court system. Also, he developed an investigation unit within the department, comprised of two detectives, that investigates and solves rural crimes. These two detectives alone filed more Felony cases in 2003 than the whole department did in 2000.

Most importantly, he has instilled pride and professionalism for the deputies that work for the citizens of Lafayette County.

Mr. Speaker, once again, I wish to extend my congratulations to Sheriff Kerrick Alumbaugh. It is with great pride that I honor him for being named the Missouri Deputy Sheriffs' Association's 2004 ''Sheriff of the Year.''

PAYING TRIBUTE TO BRUCE HILL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to Bruce Hill, a dedicated public servant and community leader from Grand Junction, Colorado. Bruce is a dedicated leader and a champion of the city, and I would like to join my colleagues here today in recognizing his tremendous achievements before this body of Congress and this Nation.

Bruce is a Grand Junction native who has naturally assumed many leadership roles. At Tope Elementary School, he was appointed Safety Leader. Later, while attending West Middle School, Bruce's classmates elected him their student council representative, where he was known to lead by example, setting the standards for his peers to follow. After studying accounting at Mesa Junior College, he began working at Superior Alarm. When Bruce was hired, the owner told him that he would have a chance to own the company one day. Two years later, at the age of 22, he purchased Superior Alarm.

Twenty-three years later Bruce is now the Mayor of Grand Junction. Utilizing his past experience as a customer service representative and the owner of Superior Alarm, he has been a true people's representative. Bruce makes himself available to the people of Grand Junction as much as possible. Holding informal gatherings, he takes a keen interest in listening to each individual's issue, and then uses his knowledge and influence to achieve a resolution. Using this style, Bruce has made a significant impact, despite his short four months in office.

Mr. Speaker, it is a privilege to honor Bruce Hill for his ongoing contributions to the people and city of Grand Junction, and the State of Colorado. His leadership as Mayor is an example to all public servants, and it is with great pleasure that I recognize him today before this body of Congress and this Nation. Thanks, Bruce, for everything, and I hope you can serve this community for many years to come.

HONORING THE LATE REVEREND VICTORIANO F. SANDOVAL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to the late Reverend Victoriano F. Sandoval. It is with great respect that I pay tribute to Padre Sandoval, who is being honored, In Memoriam, by the Latino American Association of Monmouth County, Inc., as they celebrate their Eleventh Annual Awards Banquet.

Padre Victoriano Fernandez Sandoval was born on December 24, 1933 in the town of Fuentes de los Oteros, in the Castilla Province, Spain. He studied in the Seminary of ''los Padres Agustinos'' in the Castilla Province. He was ordained as a priest on July 12, 1958.

He worked as a priest for 16 years in Brazil as the Director of the College and Seminary of Braganca Paulista, Sao Paulo. Shortly thereafter, he was the Director of the Educational Faculty at Catholic University and the College of San Agustin in Goiania.

In the United States he worked for 21 years at the Church of the Holy Redemption, Mount Holly, NJ and at Saint John the Baptist Church in Long Branch for 4 years. He served as the Chaplain for Hispanics at the federal prison in Fort Dix and Mid-State Correctional facility. There he ensured that all Hispanic inmates' rights were observed. He made it possible for them to celebrate Christmas with a dinner every year. His rectory door was always open for anyone in need.

Additionally, Padre Sandoval served as the Spiritual Director for marriage retreats in the northeast U.S.A. He also worked with Hispanics at marital retreats in Canada, Puerto Rico, Brazil, and Mexico.

Lamentably, Padre Sandoval died suddenly on June 20, 2002.

Mr. Speaker, it is my sincere hope that my colleagues will join me in paying tribute to Padre Victoriano Fernandez Sandoval, as the Latino American Association of Monmouth County honors him, In Memoriam, for his unfaltering dedication and commitment to the advancement of Latinos.

CONGRATULATIONS TO MARY GRILLO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. FILNER. Mr. Speaker and colleagues, I want to take this opportunity to recognize and congratulate Mary Grillo, the Secretary-Treasurer of Service Employees International Union (SEIU) Local 2028 who is being honored by the Interfaith Committee for Worker Justice for

her many years of dedicated service in advocating for worker justice and dignity for employees in work places throughout San Diego County.

Mary started out as a Wellesley College student interning for SEIU in Boston and at an early age saw firsthand the injustice that many workers face. After several years of work with the International Union, Mary came to work as an organizer in San Diego in 1987. At the time, SEIU Local 102 was a 1,600-member union on decline, but after teaming up with Eliseo Medina, Mary helped to transform Local 102 into the second largest union and one of the most powerfully political unions in San Diego County: SEIU, Local 2028.

Since 1996, Mary has served as executive Director of SEIU Local 2028, representing over 14,000 workers in many different jobs—ranging from janitor to librarian, racetrack program seller to registered nurse, housekeeper to code enforcement officer. In addition, she has acted as spokesperson for not only the workers she represents, but also for all working people in San Diego County.

Mary has led the effort to increase wages and benefits for immigrant and low-wage workers, has worked to expand health care coverage to the County's 650,000 uninsured workers, and has helped to create good jobs in the region.

In local 2028, Mary has worked tirelessly to bring together this large and diverse organization based on the principle of justice for all. And as an important mark of all leaders, Mary has found and developed many leaders who lead their co-workers in organizing and building economic strength in their industries.

Congratulations to Mary Grillo for her work in fighting for justice for the workers of San Diego County.

PERSONAL EXPLANATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. HYDE. Mr. Speaker, on the afternoon of October 6, 2004, I was unable to make two votes. I regret missing them and had I been present, I would have voted: vote No. 497, on passage—H.R. 5107, "yea"; vote No. 498, on agreeing to the Conference Report—H.R. 4850, "yea."

HONORING THE LIFE OF JOSEPH HENRY (JOEY) ZORN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. WILSON of South Carolina. Mr. Speaker, last Saturday the life of the late Sheriff Joey Zorn of Barnwell County, South Carolina, was celebrated at a funeral service attended by hundreds of appreciative friends conducted by Dr. Steve Burnette, Dr. Ken Catoe, Rev. Scott Brown, Rev. John Nixon, Rev. Billy Mew, Rev. Eddie Jenkins, Rev. Wilbur Creech, and Rev. Farrell Ray.

In his last month he received the state's highest honor of the Order of the Palmetto inspired by the thoughtfulness of Mrs. Mary Cothran of Williston, South Carolina, along with South Carolina State Senator Jake Knotts. In addition to being a champion of law enforcement, he was the first Republican Sheriff ever elected in Barnwell County. The following obituary is from The State newspaper, published October 1, 2004.

JOSEPH HENRY (JOEY) ZORN III

BARNWELL.—Joseph H. (Joey) Zorn III, 49, Sheriff of Barnwell County, died Wednesday, September 29, 2004, after a courageous battle with cancer.

Born in Barnwell, S.C., he was the son of Joseph H. Zorn Jr. and Cleo Renew Zorn. He graduated from Barnwell High School and the University of South Carolina with a degree in Criminal Justice, and was a graduate of 70 advanced law enforcement courses. He served as a Special U.S. Deputy Marshal, on the Board of Directors of the Barnwell Co. Helpline, on the Board of Directors of the S.C. Sheriff's Association, president of the Ellenton Agriculture Club.

He was a member and deacon of Friendship Baptist Church, Gideon International, Harmony Masonic Lodge #17, Barnwell Rotary Club, Ellenton Agriculture Club, S.C. Sheriff's Association and Barnwell County TAG Enforcement Association. He had over 30 years of law enforcement experience, was active in the youth baseball program and was voted Barnwell County Chamber of Commerce Man of the Year 2002. He was selected S.C. American Legion Law Enforcement Officer of the Year 2004, and Rotarian of the Year 2004. On September 8, 2004, he was presented the Order of the Palmetto by Gov. Mark Sanford.

In 1988 Joey was elected Sheriff of Barnwell County, and this year ran unopposed for his fifth term. Some of his accomplishments are: expanded sheriff's office staff, started the 24 hour patrol, obtained grants that saved taxpayers over 2.8 million dollars, instituted the anti-drug DARE program which graduated over 4,000 5th grade students, was the first sheriff in S.C. to complete DARE school and teach DARE in the schools, placed Resource Officers in all Barnwell County schools, installed an advanced communications system, established an on-going training program for department personnel, established the Reserve Deputy program, the Chaplaincy program, Sheriff's emergency Response Team and a bloodhound tracking team.

Funeral services were held at 11 a.m. Saturday, October 2, 2004, in the Barnwell First Baptist Church. Burial followed in the Friendship Baptist Church Cemetery. In lieu of flowers, memorials may be made to the American Cancer Society, 200 Jefferson St., Barnwell, SC 29812, Gideon International, P.O. Box 86, Williston, SC 29853 or the Connie Maxwell Children's Home, P.O. Box 1178, Greenwood, SC 29640.

Survivors include: His wife, Pamela Delk Zorn of Barnwell, SC; his parents, Joe and Cleo Zorn of Barnwell, SC; daughter, Jessica Zorn of Barnwell, SC; sons, Josh, Rodney and Russell Zorn of Barnwell, SC; sister and brother-in-law, Linda and Tommy Tyner of Abbeville, SC; mother and father-in-law, Jimmy and Faye Delk of Beech Island, SC; sister-in-law, Theresa Delk of Wrens, GA; four nieces.

PAYING TRIBUTE TO JOHN ATTARDO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. McINNIS. Mr. Speaker, I rise today to mourn the passing of John Attardo, a dedicated firefighter from my home State of Colorado who lost his life serving his fellow citizens. As the National Fallen Firefighters Foundation honors these brave men, it is important for us to remember those dedicated firefighters who have made the ultimate sacrifice for their fellow Americans.

I know that those who seek the true meaning of duty, honor, and sacrifice will find it in dedicated servants like John Attardo. He was a loving husband and with a huge heart and I know that his wife Tina, his family and his friends take pride in the uniform he wore and the ideals for which he worked. Our Nation will long endure due to the strength and character of the men and women like John who serve our country.

Mr. Speaker, I cannot fully express my deep sense of gratitude for the sacrifice of these young firefighters and their families. Throughout our history, men and women in uniform have performed their duties with distinction and courage. These brave firefighters have made all Americans proud and I know they have the respect and admiration of all of my colleagues here today.

RECOGNITION OF DETECTIVE JUAN H. VASQUEZ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Detective Juan H. Vasquez, a distinguished gentleman from my district, who is being honored by the Latino American Association of Monmouth County, Inc., as they celebrate their Eleventh Annual Awards Banquet.

A life long resident of Long Branch, Juan was born at Monmouth Medical Center on November of 1969. In June of 1988, he graduated from Long Branch High School and in September of that same year, began undergraduate studies at Kean College (now Kean University). In January of 1993, Juan graduated from Kean College with a Bachelor's degree in Criminal Justice. In April of 1993, he started employment at the Monmouth County Division of Social Services, where he was employed as an Income Maintenance Worker until September of 1997. In October of 1997, he began his law enforcement career when he was hired by the City of Long Branch as a Police Officer. He attended the New Jersey State Police Academy in Sea Girt, NJ, and graduated from the 196th Municipal Class in January of 1998.

After graduating from the Police Academy, he started working in the Patrol Division as a Patrolman. In February of 2000 he was transferred to the Criminal Division of the Detective Bureau where he holds the current title of Detective.

Juan continues to live in Long Branch with his wife of 10 years, Tara, and his two children, Emelie who is 6 years old and Zachary age four.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing, Detective Juan H. Vasquez, as the Latino American Association of Monmouth County honors him for his unwavering commitment to the Latino community as well as the Long Branch Police Department.

CONGRATULATIONS TO LINDA ARREOLA

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. FILNER. Mr. Speaker and colleagues, I want to take this opportunity to recognize and congratulate Linda Arreola for being honored by the Interfaith Committee for Worker Justice for lending her strong voice to worker justice and worker rights. Linda is the Assistant Director of the Office for Social Ministry in the Catholic Diocese of San Diego. In this office, she assists the direction and coordination of ministries involving issues such as the sanctity of life, immigration, worker justice, human trafficking, political responsibility and advocacy.

Ms. Arreola is a member of the United States Catholic Conference Bishops' Working Group on Human Trafficking. She has also worked in other ministries in the Diocese including the Diocesan Institute for Adult Education and Ministry Formation, Hispanic Affairs and the Office for Hispanic Evangelization. She has been a member of St. Anthony of Padua in National City since 1983, where she served as director of religious education, catechist and youth minister.

Ms. Arreola is a native of San Diego and has lived in National City for 33 years, having graduated from Sweetwater Union High School. She also attended San Diego State University, where she received a Bachelor of Arts and Masters of Arts in French. Linda is also an instructor in the San Diego Diocesan Institute and volunteers as a Puente Project mentor at Southwestern College.

Congratulations to Ms. Linda Arreola for her commitment in working to make our community a better place.

TRIBUTE TO MR. THADDEUS ROBERT STEBBINS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. HYDE. Mr. Speaker, I would like to commend to the House for its edification a recent event of note, that on the 3rd of September of this year, in Exeter, New Hampshire, Thaddeus Robert Stebbins celebrated his 17th birthday.

Although still in the formative period of his life's journey, Mr. Stebbins has already demonstrated remarkable abilities across a broad range of endeavor, from academics and music to sports and debate. These preternatural accomplishments must command our attention and admiration. But even more noteworthy are the maturity of thought and manner already manifest and the generosity of spirit evidenced by the unhesitating respect granted others.

The birthday was celebrated quietly at the Phillips Exeter Academy where Mr. Stebbins is currently enrolled in his Upper year and where he is manfully displaying talents and capacities notable even at that prestigious institution. Although they were not physically in attendance on that day, Mr. Stebbins was very much in the thoughts of his proud parents and sisters, of his godfather, and of his many admiring friends.

I cannot speak to Mr. Stebbins' religious beliefs, but I have no doubt that the Almighty has prepared great things for him and ever watches over him. And that he has entertained angels, unaware.

Mr. Speaker, Wordsworth wrote that ''the Child is the father of the Man''. We will be fortunate indeed to know the Man he will become.

HONORING HARVEY L. GOLDEN'S 50 YEARS OF PRACTICING LAW

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to praise the works of one of South Carolina's outstanding legal minds, Harvey L. Golden, who celebrates 50 years of practicing family law this month. I am proud to call Harvey a good friend, a fellow member of the Bar of South Carolina, and I ask all of my colleagues to join me in honoring his lifetime of hard work and service in the law profession.

I ask that the following information on Harvey's life and achievements be added into the official record.

Harvey Laurance Golden was born in Brooklyn, New York, October 15, 1929, the only child of Gertrude Dribbon Golden who had, come to this Country from Manchester, England, and Irvin (Jack) Golden who was born in New York. When Harvey was four years old, his mother, father and he moved from Brooklyn to Hartford, Connecticut, where his father spent World War II working at the Colt Firearms factory and, subsequently, became a supervisor in Pratt and Whitney Aircraft factory. In Hartford, his mother became a buyer for Brown and Thompson Department Store. In Hartford, Harvey attended the Vine Street School and subsequently Jones Jr. High School. Whereupon the family moved to Columbia, South Carolina, after a brief summer in Augusta, Georgia. In Columbia, he attended Columbia High School and became Business Manager of the school newspaper, ''High Life'' and became active in the high school debate team. Harvey was also active in the drama club and chorus.

While in Columbia, Harvey and some of his best friends joined the S.C. Air National Guard in 1948 and when the Korean war began, he turned down a college deferment when his S.C. Guard unit was federalized. The South Carolina Guard was the first guard unit in the country to be nationalized and he was the first guardsman in Korea and one month later was promoted to Sergeant. He spent two years as a Weapons Specialist in charge of the 157th Fighter Bomber Squadron Armament, including napalm, bombs, rockets, machine guns and small arms. This work was accomplished on F–51 aircraft that had already been sent to the war zone and had SCANG scrubbed from the side of the planes. These were the same aircraft on which Sgt. Golden had been working back at Congaree Air Base in Columbia. Upon returning to Columbia he was hospitalized in the Columbia VA Hospital for three months and released.

Whereupon, he approached Dean Sam Prince of the USC Law School requesting special dispensation to be allowed to attend law school without vacation and thus be able to graduate in two years rather then three or two and a half. The Dean grudgingly allowed him to become the first student to petition the law school to enter and while in law school he was awarded membership in Wig and Robe Honor Society, having begun in September 1952 and finished in September, 1954 with only one grade below a B. He was also elected by the faculty and editorial board as Editor-in-Chief of the South Carolina Law Review. He had already been elected president of his fraternity. After graduation, he had become very active in the University Theatre and had played many roles there as well as in Town Theatre and later he founded the Workshop Theatre and Columbia City Ballet as he began the practice of law. After law school, he practiced with Edens and Woodward and then Isadore Lourie, the late legendary State Senator, joined him as Golden and Lourie for the next four years.

On July 15, 1962, he married Heide Engelhart and they are the proud parents of three children and two grand children.

HARVEY L. GOLDEN

Trial Attorney in South Carolina for 50 continuous years with primary statewide practice in Family Law. Currently:

Recipient, American Bar Association, Lifetime Achievement Award—August, 2001;

Recipient, South Carolina Bar Association first Family Law Public Service Award—June, 1994;

Member, ABA House of Delegates (1990–2000) and its Nominating Committee (1996–1998);

Officer, Council Member, ABA Family Law Section (1984–2000);

Certified Fellow of the American Academy of Matrimonial Lawyers and member of its National Board of Governors;

Founding Fellow, (U.S. Chapter) International Academy of Matrimonial Lawyers;

Diplomate, American College of Family Trial Lawyers (1989–);

Advocate, American Board of Trial Advocates;

Listed in ''Best Lawyers in America'' all five editions 1983–99.

Listed as one of the best forty-three Family Court Lawyers in the United States by National Law Journal, November 16, 1987;

Contributor to ''Fair Share'', ''Matrimonial Strategist'', ''Trial'' and ''Family Advocate'' National legal publications;

Author, S.C. Pre-Nuptial Agreement Statute;

Co-Author, S.C. Equitable Apportionment Act;

Co-Author: ''Divorce'', 13 S.C. Jurisprudence 63, 1992, and ''Adultery and Fornication'', 3 S.C. Jurisprudence 1, 1991;

Chairman, AAML Inter-Disciplinary Mental Health Committee;

Former Treasurer, International Academy of Matrimonial Lawyers (1990–1991);

Former National Chairman of American Bar Association Family Law Section 1987–1988) and Secretary, Vice Chair and Chair Elect (1984–1987);

Former President, South Carolina Chapter, American Academy of Matrimonial Lawyers (4 Years)

Past Member, Nominating Committee, American Bar Association Conference of Section Chairmen;

Past Member, American Bar Association Law School Accreditation Team (1988). Formerly Contributing Editor on Family Law for the South Carolina Educational Television Network;

Member, South Carolina Bar Judicial Modernization Committee. Formerly one of five original appointees by the S.C. Supreme Court on Family Law Specialization Advisory Board;

Former Chairman of the Family Law Section of the S.C. Bar.

Former Chairman of the S.C. Trial Lawyers Family Law Section. Program Participant, ''Negotiations'' American Academy of Matrimonial Lawyers, 1983;

Producer-Moderator of the First Family law CLE program in South Carolina (1975) at the request of the SC Supreme Court;

Former member, Long Range Planning Committee and Scope and Correlation Committee, ABA Family Law Section;

Former Public Information Representative, ABA Family Law Section;

Frequent Family Law Faculty at: ABA National Institutes, Annual and mid-winter conventions and S.C. Mandatory Judicial C.L.E. programs. Frequent Lecturer on Family Law at USC College of Law, USC College of General Studies, Lutheran Southern Theological Seminary, CLE program speaker in: Atlanta, Connecticut, D.C., Colorado, Florida, Illinois, Maryland, New Jersey, North Carolina, Texas, Virginia, West Virginia, and Wisconsin Bar Association programs. Past Chairman of the Paternity Committee of the ABA, Family Law Section (1978–1981).

Recipient of the 1978 ''Certificate of Outstanding Contribution'' of ABA Family Law Section;

Participant, with Lawrence Stotter, Esq., in the ''Great Custody Debate of 1980'' presented by the American Academy of Matrimonial Lawyers, Chicago, Illinois;

Former Special Judge appointee in Richland County, S.C. Juvenile-Domestic Relations Courts, County Civil Jury Courts, County Criminal Jury Courts (1965–1975);

Elected to the Debate Hall of Fame, University of South Carolina (1977);

Former Editor in Chief, S.C. Law Quarterly (1954);

Elected to Order of Wig and Robe. Legal Scholarship Society (1954);

Former Drama Critic, the State Newspaper, Columbia, South Carolina (1983–1987);

Past President, Congregation Beth Shalom, Columbia, S.C. (Two terms);

Co-Founder and Director, Workshop Theatre of South Carolina (1965–1981);

Co-Founder of Columbia City Ballet Company, Columbia, South Carolina (1962), Board of Directors (1962–1988).

U.S. Air Force Korean Combat Zone (1950–1952).

PAYING TRIBUTE TO MARGRET MERGELMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Margret Mergelman, a dedicated leader and 4–H activist from Gunnison, Colorado. For over sixty-four years, Margret has volunteered to better her community, and I am honored to stand before this body of Congress and this Nation today to recognize her service.

Margret earned her elementary education degree in 1943 from Western State College and that same year married Warren Mergelman, whose family has ranched the Gunnison area for generations. Margret accompanied her husband on the long cattle drives for local area ranchers. After the couple started a family she focused her attention on homemaking skills, especially cooking. When the kids became active in 4–H, she started a cooking club, in addition to sewing, gardening, and square-dancing clubs. She herself was a 4–H leader for ten years. Margret's cooking is legendary and her open-house lunch after the Cattlemen's Days parade has drawn more than one hundred people in the past. Today Margret is still active in the rural community, donating cash gifts to the local 4–H and annually sponsoring the Mergelman Family Award to competitors of the Round Robin Showmanship. She has also been a member of the Eastern Star for sixty-two years.

Mr. Speaker, Margret Mergelman, is a dedicated individual who devotes her free time to aiding members of her Gunnison community and works to preserve Colorado's western style and heritage. Her level of enthusiasm and commitment is commendable and I am honored to stand here before this body and recognize the efforts of such a selfless and benevolent woman. Thanks for all your service Margret, and I wish you all the best in your future endeavors.

RECOGNITION OF DEPUTY MAYOR REBECCA AARONSON

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a constituent in the 6th District of New Jersey. It is with great pleasure that I introduce my friend, the Honorable Rebecca Aaronson, Deputy Mayor of Manalapan, N.J., who is being honored by the Latino American Association of Monmouth County as they celebrate their Eleventh Annual Awards Banquet.

Rebecca Aaronson was born in Laredo, Texas to Mexican parents. Her father was born in Monterrey, Mexico and her mother was born in Mexico City, D.F. She grew up in El Paso, Texas and attended the University of Texas at El Paso for one year. Rebecca met and married Richard Aaronson in 1972. She is the proud mother of two sons, Scott, 27 years old, who recently married Julie, and Glenn, 22 years old, a senior at Quinnipiac University in Connecticut.

Rebecca returned to school and graduated from Brookdale Community College in 1997 with an Associates Degree in Humanities. She volunteered at the Women's Center of Monmouth County (now 180) in the shelter program for victims of domestic violence. She became involved with the community because she always felt that no one has the right to complain if they are not willing to do something about it. She was concerned with the over-development of her town, Manalapan, and felt that the builders, not the Planning Board, were making all of the decisions.

In 2002, she was elected Mayor of Manalapan Township. Presently, she is in her second term and serves as Deputy Mayor. In 2001 she was the Democratic candidate for Monmouth County Freeholder. Presently she serves as the Vice Chair of Monmouth County Democrats.

She believes that she and her colleagues have made a difference in Manalapan. Her philosophy has always been that we are all obligated to leave our mark somehow and politics has given her the opportunity to do so. She carries that philosophy to her personal life and is always seeking a way of making a difference in people's lives.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing Deputy Mayor Rebecca Aaronson, as the Latino American Association of Monmouth County honors her for her unfaltering dedication to the Latino community.

CONGRATULATIONS TO RABBI LEVIN

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. FILNER. Mr. Speaker and colleagues, I want to take the time to recognize Rabbi Moshe Levin, the spiritual leader of Congregation Ner Tamid in the Sunset, San Francisco. Rabbi Levin is being honored by the Interfaith Committee for Worker Justice for his contributions to worker justice and worker rights.

Rabbi Levin came from San Francisco to San Diego, where he served as the Senior Rabbi of Congregation Beth El in La Jolla for 15 years. Two years ago, he was named Rabbi Emeritus of that prestigious congregation, and began commuting to San Francisco to serve the people of Ner Tamid.

Rabbi Levin was ordained at the Jewish Theological Seminary of America, the central pillar of Conservative Judaism in the United States. He served as an Air Force chaplain for the first 2 years of his rabbinical career, and was stationed in Southeast Asia during the Vietnam War. His pulpit experience spanned 30 years, including 2 years on the Island of Curacao in the Dutch West Indies.

Rabbi Levin was born in Brooklyn, NY, graduated from Brooklyn College and spent 2 years at Jerusalem's Hebrew University, majoring in economics and philosophy, and studying the Bible with the famed Nehama Leibowitz and archeology with Yigal Yadin. At the Jewish Theological Seminary, Rabbi Levin was privileged to study with such giants of the last century as Abraham Joshua Heschel and Chancellor Louis Finkelstein.

Over the course of his career, Rabbi Moshe Levin has been active in Zionist causes, social action projects, interfaith activities, as well as furthering the creative continuity of American Jewish life. He is a founding member of the Palestinian-Jewish Dialogue of San Diego, which has been featured in the Christian Science Monitor, and has served on numerous boards, most recently the American Jewish Committee and the Interfaith Committee for Worker Justice. In 1992, he was named Civil Libertarian of the Year by the San Diego and Imperial Chapters of the ACLU.

Rabbi Levin's writings include: the Ethical Orgins of Kashrut, Near- Eastern Birthrights and the Eassau Jacob Narrative, Sexuality in Jewish Law and Tradition, and the Rabbinate for the 21st Century. It is a privilege to honor Rabbi Moshe Levin.

PAYING TRIBUTE TO ANDREW GULLIFORD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Andrew Gulliford, the Director of the Center for Southwest Studies at Fort Lewis College in Grand Junction. Andrew has dedicated his life to preserving Western heritage and culture and I am honored to stand here today with my colleagues before this body of Congress and this Nation and recognize his accomplishments.

Andrew grew up in Southwest, Colorado attending high school in the town of Lamar. He earned his bachelor's degree in American history and master's degree in teaching at Colorado College. Andrew applied his new knowledge as a fourth grade teacher in Silt, Colorado where he also taught American History at the Rifle branch of Colorado Mountain College before going on to complete his doctorate in American Culture and history at Bowling Green University in Ohio. After teaching, Andrew served as the Director of the Western New Mexico University Museum where he arranged for several donations of Navajo weavings, Mimbres pottery, Southwest art, and Hispano Folk Art.

Andrew did not abandon teaching completely and returned to be a professor and director of the Public History and Historic Preservation Program at Middle Tennessee State University for 10 years where he directed one of the oldest and largest public history and historic preservation graduate programs in the Nation. In 2001, Andrew was selected by Fort Lewis College to become their Director of the Center for Southwest Studies where his national reputation as a scholar, a public historian and developer and manager of several academic centers have contributed to the shinning success of the center in Fort Lewis. Andrew is also an accomplished author and photographer and he is supported by his wife Stephanie Moran, and their two children Tristan and Duncan.

Mr. Speaker, Andrew Gulliford is a dedicated scholar, and it is through his many hours of devotion that we are able to have such a vivid picture of Western history and culture in Colorado and I am honored to recognize his efforts before this body of Congress. Andrew, thanks for all your hard work and I wish you all the best in your future endeavors.

RECOGNITION OF MARIA ANN CRESPO-RODRIGUEZ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Mrs. Maria Ann Crespo-Rodriguez, who is being honored by the Latino American Association of Monmouth County, Inc., as they celebrate their Eleventh Annual Awards Banquet.

Maria was born at Monmouth Medical Center in Long Branch and raised in Red Bank, NJ, where she attended the Red Bank Public School System, and graduated from Red Bank High School in 1974. She earned a Bachelor's Degree in Secondary Education/Spanish from Monmouth College, and received a Masters degree in ESL from Kean College.

Maria has been teaching in the Long Branch Middle School for the last 26 years. During that time, her energy and enthusiasm have manifested themselves both in and out of the classroom, where she became involved in a number of volunteer agencies and services. She has been a board member of Hispanic Affairs and Resource Center of Monmouth County, spent 5 years as a tutor in Stay Smart University helping children in a pediatric ward, many of whom were terminally ill. She was a member of the Pearl Chaney Memorial Scholarship Fund for 10 years, as well as a member of the Long Branch School District's Puerto Rican Disaster Relief Fund, President of the S.T.P.O. of Elberon School (1997–1998), and a speaker at the National School Board Association in 1997, 2003, and 2004. As the co-founder of the B.B.I.P., which started as the Bilingual/Bicultural Intervention Program, later changed to Basic Belief in All People, she has helped hundreds of students with academic as well as behavioral problems to succeed.

Maria has been awarded Teacher of the Month in the Long Branch Middle School two times, once in 1992 and again in 2003. She was District Teacher of the Month in 2003, and was nominated for the Long Branch Middle School Teacher of the Year.

For her service as co-founder of BBIP and its co-moderator over the last 12 years, she served in the roles of teacher, mentor, friend, counselor and surrogate mother, she earned many justly deserved awards. She received recognition from HARC's youth organization, ''Almas Latinos''. She is the recipient of the NJ State Department of Education P.R.I.D.E. Model Program Award (BBIP), the PRIDE pin for Programs of Inclusion, and is an Equity Hall of Fame Member, NJ State Department's ''Best Practices'' award. In 1996, she was recognized as a Hall of Fame Member of the ''A+ for Kids'' Teachers Network, and presented the award on a television show on WWOR, Channel 9 by Jerry Orbach (Law and Order). She has been recognized for the program by Governor Christine Todd Whitman as well as movie actor, Edward James Olmos, and most recently was featured in an Asbury Park Press ''School Scene'' article (February 27, 2003) entitled ''School program offers students a little nudge.''

Maria resides in Tinton Falls with her husband, Carlos, and two children, Roberto and Gabriella.

Mr. Speaker, it is my sincere hope that my colleagues will join me in honoring and recognizing, Mrs. Crespo-Rodriguez, as the Latino American Association of Monmouth County honors her for her dedication to the educational advancement of Latinos and her commitment to the Long Branch Public School System.

CONGRATULATIONS TO PASTOR WILLIE E. MANLEY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. FILNER. Mr. Speaker and colleagues, I want to take this opportunity to recognize and congratulate Pastor Willie E. Manley of the Greater Life Baptist Church of San Diego, California as he is honored by the Interfaith Committee for Worker Justice for his advocacy for worker rights and worker justice.

He was born in Stephens, Arkansas, and has presided over the Greater Life Baptist Church for over 30 years.

Pastor Manley has contributed to the community by spending several years in the offices of both the City Council and Congressional offices in San Diego. He has ably led the National Association for the Advancement of Colored People (NAACP) for several terms. Pastor Manley has served in numerous leadership roles with the Baptist Ministers Union and the Interdenominational Ministerial Alliance. He is a very strong advocate for voter registration and education in his community. On many civic and safety matters, many residents in the San Diego community without fail call on Pastor Manley for answers and solutions.

Pastor Manley was recently honored with the very prestigious Ambassador of Peace Award that is given to an individual that has promoted goodwill among all peoples without respect to one's race, creed, color, religion, or national origin. He has traveled extensively across the United States and around the world promoting spiritual and religious harmony. As part of his worldwide missionary travels, Pastor Manley ministered before large embracing crowds in West and South Africa. Pastor Manley also points to his trip to the Holy Land as the fulfillment of a life-long dream.

A dynamic leader and a willing servant to his community, I am proud to honor Pastor Willie E. Manley and congratulate him for his outstanding work in support of his church, his community, and his country.

PAYING TRIBUTE TO TERRI GIRD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Terri Gird, a dedicated public servant who has devoted countless hours of her spare time assisting citizens in the Grand Junction community. Recently, Terri was awarded the 2004 Volunteer of the Year Award by the Grand Junction Safehouse for her work with the Grand Junction Police Department Victim's Advocate program and I am honored to stand here today with my colleagues before this body of Congress and this nation and recognize her accomplishments.

Terri has worked with the Grand Junction Police Department Victim's Advocate program since 2001. During her tenure she has volunteered over 2,000 hours to the program and assisted on over two hundred cases. The vast majority of the cases were domestic violence

victims, in fact Terri was nominated for the award after her extensive work easing the trauma for the family of a high profile domestic violence case where the victim was murdered. She is also a model advocate for both her co-volunteers and the newer members of the program, mentoring them as they begin their training. Additionally Terri also serves on the Community Corrections Board and teaches victim empathy classes at the Mesa County Department of Youth Corrections and the Partner's Program.

Mr. Speaker, Terri Gird is a dedicated volunteer who devotes her spare time to aiding people of her Grand Junction Community in need. She is strong and talented member of the Grand Junction Police Department Victim's Advocate Program and I am honored to recognize her efforts before this body of Congress. Congratulations on your award, Terri, and I wish you all the best in your future endeavors.

HONORING MIGUEL RODRIGUEZ

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Miguel Rodriguez, Chief Community Relations Specialist for the Newark Housing Authority. On Thursday, October 7, 2004, friends, co-workers and family members will gather at Nanina's in the Park in Belleville, New Jersey to celebrate his retirement after 39 years of dedicated public service.

Mr. Rodriguez, or Don Mike as he is referred to by friends and colleagues, began his career in public service in the early 1970s when he was appointed Deputy Mayor of the City of Newark, New Jersey by former Mayor Kenneth Gibson, a position he held for sixteen years. In his current position with the Newark Housing Authority, Mr. Rodriguez is responsible for providing information to the community regarding low-income housing options.

An active member of the greater Newark community, Mr. Rodriguez has founded various organizations, including the Hispanic American Chamber of Commerce of Essex County and the Newark Borinquen Lions Club. Additionally, Mr. Rodriguez has served on the Boards of the Newark Symphony Hall, the Essex County Board of Economic Development, and The Hispanic American Political Forum.

A strong believer in the power of education, Mr. Rodriguez established the Communications Information Marketing Scholarship Award (CIMA), a private, nonprofit organization that supports students from Hispanic and African American families who are pursuing a career in communications, and has provided over $22,000 in scholarships for minority journalists.

A native of Puerto Rico and a resident of Newark for 44 years, Mr. Rodriguez earned a Bachelor's Degree from Shaw University in North Carolina. He is the proud father to Myra, Michael, Ricardo and Carlos, and the doting grandfather to six wonderful grandchildren.

Today, I ask my colleagues to join me in honoring Miguel Rodriguez as we celebrate his 39 years of public service to the City of Newark and wish him well as he begins a new chapter full of good work and many more contributions to our community.

IN RECOGNITION OF JOHN DAVANZO, 2004 VOLUNTEER FIREFIGHTER OF THE YEAR

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 6, 2004

Mrs. McCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to recognize John DaVanzo of Mineola, New York.

I am extremely honored to congratulate Mr. DaVanzo as he was recently named the 2004 National Volunteer Fire Council's Volunteer Firefighter of the Year. Receipt of such an honor is testament to his impressive record of nearly sixty years of dedicated service to the Mineola Fire Department.

John DaVanzo is a man who has spent most of his life to serving the people of Long Island. He began his career with the Mineola Fire Department in 1947, eventually becoming captain. John later became a member of the department's Fire Council and was a delegate to the Southern New York and Nassau County Firemen's Associations.

In addition to his work with the fire department, John served as Deputy Mayor of the Village of Mineola and as a North Hempstead Councilman. For seventeen years, he was North Hempstead's Town Clerk and was honored as the New York State Clerk of the Year for 1986–87. He has also volunteered with worthy organizations like the American Cancer Society, Catholic Charities, and the Boy Scouts of America. In all of the undertakings that he has pursued, John has always been a leader, exhibiting consummate diligence and tireless effort.

Since 1978, the National Volunteer Fire Council has awarded those individuals who have made outstanding achievements in fire service and maintain an exemplary record of community service. This prestigious title is one of only two awards that the Council distributes each year and it is no surprise that John is one of the recipients.

Mr. Davanzo's tireless commitment to service has made a difference in the lives of many. Once again, I would like to offer my congratulations to him on this well-deserved national recognition and wish him the best of luck in his future endeavors.

Daily Digest

HIGHLIGHTS

The House agreed to the conference report to accompany H.R. 4520, American Jobs Creation Act of 2004.

Senate

Chamber Action

Routine Proceedings, pages S10615–S10762

Measures Introduced: Thirty-three bills and three resolutions were introduced, as follows: S. 2910–2942, and S. Res. 451–453. **Pages S10702–03**

Measures Reported:

S. 2550, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, with an amendment in the nature of a substitute. (S. Rept. No. 108–386)

S. 518, to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy, with an amendment in the nature of a substitute. (S. Rept. No. 108–387)

S. 2526, to reauthorize the Children's Hospitals Graduate Medical Education Program, with an amendment in the nature of a substitute (S. Rept. No. 108–388)

S. 2605, to direct the Secretary of the Interior and the heads of other Federal agencies to carry out an agreement resolving major issues relating to the adjudication of water rights in the Snake River Basin, Idaho, with an amendment in the nature of a substitute. (S. Rept. No. 108–389)

S. 423, to promote health care coverage parity for individuals participating in legal recreational activities or legal transportation activities, with an amendment in the nature of a substitute. (S. Rept. No. 108–390)

S. 2940, to amend the Older Americans Act of 1965 to assist States in preventing, detecting, treating, intervening in, and responding to elder abuse, neglect, and exploitation. (S. Rept. No. 108–391)

H.R. 2391, To amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises, with an amendment in the nature of a substitute.

S. 1379, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, with an amendment in the nature of a substitute.

S. 2302, to improve access to physicians in medically underserved areas, with an amendment in the nature of a substitute.

S. 2668, for the relief of Griselda Lopez Negrete. **Page S10702**

Intelligence Committee Reorganization: Senate continued consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, taking action on the following amendments proposed thereto: **Pages S10620–30, S10631–74**

Adopted:

Baucus (for Grassley/Baucus) Amendment No. 3989 (to Amendment No. 3981), to clarify the provisions relating to the jurisdiction of the Department of Homeland Security. **Pages S10621–22**

Chambliss/Kennedy Amendment No. 3994 (to Amendment No. 3981), to clarify the jurisdiction of the Committee on Homeland Security and Governmental Affairs. **Pages S10625, S10629–30, S10631**

Durbin Modified Amendment No. 4036 (to Amendment No. 3981), to modify the provisions relating to the staffing and budget of the select Committee. **Page S10654**

By 54 yeas to 41 nays (Vote No. 202), Hatch (for Leahy) Amendment No. 4037 (to Amendment No. 3981), to retain jurisdiction over the Secret Service in the Committee on the Judiciary. **Pages S10655–60**

Roberts Amendment No. 4019 (to Amendment No. 3981), to clarify staff provisions. **Pages S10660–61**

Roberts Modified Amendment No. 4018 (to Amendment No. 3981), to clarify the nominee referral provisions. **Page S10661**

Rockefeller Modified Amendment No. 4030 (to Amendment No. 3981), to clarify the jurisdiction of the select Committee on Intelligence.

Pages S10661–62

McConnell (for Byrd) Amendment No. 3986 (to Amendment No. 3981), to provide that the Subcommittee on Intelligence shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

Page S10664

McConnell (for Shelby/Sarbanes) Amendment No. 4038, to retain jurisdiction over the National Flood Insurance Act of 1968, with the Committee on Banking, Housing, and Urban Affairs. **Page S10664**

Rejected:

By 23 yeas to 74 nays (Vote No. 200), McCain Amendment No. 3999 (to Amendment No. 3981), to strike section 402 and vest intelligence appropriations jurisdiction in the Select Committee on Intelligence. **Pages S10632–46**

By 33 yeas to 63 nays (Vote No. 201), McCain Amendment No. 4000 (to Amendment No. 3981), to ensure that the Committee has jurisdiction over the Transportation Security Administration.

Pages S10647–54

By 36 yeas to 54 nays (Vote No. 203), Biden/Lugar Amendment No. 4021 (to Amendment No. 3981), to provide that the Chairman and Ranking Member of the Committee on Foreign Relations (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

Pages S10665–69

Withdrawn:

Bayh Amendment No. 3995 (to Amendment No. 3981), to eliminate sequential referral.

Pages S10625–29, S10631–32, S10674

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute.

Pages S10620–30, S10631

Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources. **Page S10669**

During consideration of this measure today, Senate also took the following action:

Senate adopted and then vitiated the adoption of the Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources. **Pages S10669–70**

A unanimous-consent agreement was reached providing that other than conforming and technical managers' amendments, the only remaining first-degree amendments be the following which are filed at the desk: Collins, Nickles, Hutchison, Frist, Bingaman-Domenici, and Rockefeller; provided further, that it be in order to file timely second-degree amendments up until 9:15 a.m. on Friday, October 8, 2004. **Page S10674**

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 9:15 a.m., on Friday, October 8, 2004, with a vote on the motion to invoke cloture on Amendment No. 3981 (listed above).

Pages S10758–59

American Jobs Creation Act—Agreement: A unanimous-consent agreement was reached providing for consideration of the conference report to accompany H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, at 9 a.m., on Friday, October 8, 2004; and providing for the filing of a cloture motion on the conference report.

Pages S10758–59

Appointments:

NATO Parliamentary Assembly: The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appointed the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senators Leahy and Feinstein. **Page S10758**

Coordinating Council on Juvenile Justice and Delinquency Prevention: The Chair, on behalf of the Majority Leader, after consultation with the Democratic Leader, pursuant to Public Law 93–415, as amended by Public Law 102–586, appointed the following individuals to serve as a member of the Coordinating Council on Juvenile Justice and Delinquency Prevention: Steven H. Jones of Tennessee, Bill Gibbons of Tennessee, and Larry K. Brendtro of South Dakota. **Page S10758**

Nominations Received: Senate received the following nominations:

Frederick William Hatfield, of California, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2008.

Harold Damelin, of Virginia, to be Inspector General, Department of the Treasury.

Jorge A. Plasencia, of Florida, to be a Member of the Advisory Board for Cuba Broadcasting for a term expiring October 27, 2006.

Brian David Miller, of Virginia, to be Inspector General, General Services Administration.

Edward L. Flippen, of Virginia, to be Inspector General, Corporation for National and Community Service.

Routine lists in the Foreign Service, Navy.

Pages S10759–62

Nominations Withdrawn: Senate received notification of withdrawal of the following nominations:

James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, which was sent to the Senate on April 8, 2004.

James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador, which was sent to the Senate on April 8, 2004.

1 Air Force nomination in the rank of general.

Page S10762

Messages From the House: **Pages S10695–96**

Measures Read First Time: **Page S10696**

Enrolled Bills Presented: **Pages S10696–97**

Petitions and Memorials: **Pages S10697–S10701**

Executive Reports of Committees: **Page S10702**

Additional Cosponsors: **Pages S10703–04**

Statements on Introduced Bills/Resolutions: **Pages S10704–49**

Additional Statements: **Pages S10693–95**

Amendments Submitted: **Pages S10749–58**

Authority for Committees to Meet: **Page S10758**

Privilege of the Floor: **Page S10758**

Record Votes: Four record votes were taken today. (Total—203) **Pages S10646, S10653–54, S10660, S10669**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 11:29 p.m., until 9 a.m., on Friday, October 8, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10759.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of Francis J. Harvey, of California, to be Secretary of the Army, and Richard Greco, Jr., of New York, to be an Assistant Secretary of the Navy for Financial Management, and 685 nominations in the Army, Navy, and Air Force.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following business items:

S. 1379, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, and the nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development, with an amendment in the nature of a substitute; and

The nomination of Pamela Hughes Patenaude, of New Hampshire, to be an Assistant Secretary of Housing and Urban Development for Community Planning and Development.

AIRLINE INDUSTRY PENSION PLANS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the effect of Federal bankruptcy and pension policy on the financial situation of the airlines, focusing on the airline plans' underfunding as an example of possible broader problems with the defined benefit pension system, airlines facing severe competitive pressures, structural flaws in the pension insurance program, and bargaining efforts to reduce pension costs, after receiving testimony from Representative Emanuel; David M. Walker, Comptroller General of the United States, Government Accountability Office; Bradley D. Belt, Executive Director, Pension Benefit Guaranty Corporation; Duane E. Woerth, Air Line Pilots Association, International, Washington, D.C.; and Robert L. Crandall, Irving, Texas.

BIOSHIELD II

Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary: On Wednesday, October 6, Committees concluded a joint hearing to examine an ever-changing threat relating to BioShield II, focusing on incentives for research to develop countermeasures to bio-terror pathogens, and S. 666, to provide incentives to increase research by private sector entities to develop antivirals, antibiotics and other drugs, vaccines, microbicides, detection, and diagnostic technologies to prevent and treat illnesses associated with a biological, chemical, or radiological weapons attack, after receiving testimony from Christine Grant, Aventis Pasteur, Bridgewater, New Jersey; Alan P. Timmins, AVI BioPharma, Inc., Portland, Oregon; Kathleen D. Jaeger, Generic Pharmaceutical Association, Arlington, Virginia; Carlos

Angulo, Zuckerman Spaeder, on behalf of the Coalition for a Competitive Pharmaceutical Market, Jeffrey P. Kushan, Sidley Austin Brown and Wood, LLP, and John M. Clerici, McKenna Long and Aldridge, LLP, all of Washington, D.C.; John G. Bartlett, Johns Hopkins University School of Medicine, Baltimore, Maryland, on behalf of the Infectious Disease Society of America; and Patricia Greenberg, New York State Nurse Alliance SEIU 1199, Syracuse.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R. 2391, to amend title 35, United States Code, to promote cooperative research involving universities, the public sector, and private enterprises, with an amendment in the nature of a substitute;

S. 2302, to improve access to physicians in medically underserved areas, with an amendment in the nature of a substitute;

S. 2668, for the relief of Griselda Lopez Negrete; and

The nomination of Robert Cramer Balfe III, to be United States Attorney for the Western District of Arkansas, Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 48 public bills, H.R. 5242–5289; and 10 resolutions, H. Con. Res. 511–513, and H. Res. 535–541, were introduced.

Pages H8856–59

Additional Cosponsors: **Page H8859**

Reports Filed: Reports were filed today as follows:

H. Res. 776, of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation, adversely (H. Rept. 108–754, Pt. 1);

Conference report on H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (H. Rept. 108–755);

H.R. 4264, to amend title 18, United States Code, to strengthen prohibitions against animal fighting, amended (H. Rept. 108–756);

H.R. 4893, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978 (H. Rept. 108–757);

H.R. 4588, to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, amended (H. Rept. 108–758);

H.R. 4650, to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Witchita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project (H. Rept. 108–759);

H.R. 4775, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the El Paso, Texas, water reclamation, reuse, and desalinization project (H. Rept. 108–760);

H.R. 5135, to provide for a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands (H. Rept. 108–761);

H. Res. 830, waiving points of order against the conference report to accompany H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad (H. Rept. 108–762);

H. Res. 831, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–763);

H. Res. 832, waiving clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–764);

H. Res. 833, providing for consideration of motions to suspend the rules (H. Rept. 108–765); and

H. Res. 834, waiving clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–766). **Pages H8411–H8640, H8856**

Chaplain: The prayer was offered today by Rev. Dan Remus, Senior Pastor, First Assembly of God in Kenosha, Wisconsin. **Page H8641**

Department of Homeland Security Appropriations Act, 2005—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 4567, making appropriations for the department of Homeland Security for the fiscal year ending September 30, 2005, and agreed to a conference.

Pages H8645–49

Agreed to the Mr. Sabo motion to instruct conferees on the bill, by a yea-and-nay vote of 395 yeas to 16 nays, Roll No. 502. **Pages H8645–49**

Appointed as conferees: Representative Rogers (KY), Young (FL), Wolf, Wamp, Latham, Emerson, Granger, Sweeney, Sherwood, Sabo, Price, Serrano, Roybal-Allard, Berry, Mollohan, and Obey.

Page H8651

Suspensions: The House agreed to suspend the rules and pass the following measures which were debated yesterday, October 6:

Internet Spyware (I–SPY) Prevention Act of 2004: H.R. 4661, amended, to amend title 18, United States Code, to discourage spyware, by a ⅔ yea-and-nay vote of 415 yeas with none voting ''nay'', Roll No. 503; **Pages H8649–50**

Research Review Act of 2004: H.R. 5213, amended, to expand research information regarding multidisciplinary research projects and epidemiological studies, by a ⅔ yea-and-nay vote of 418 yeas with none voting ''nay'', Roll No. 504;

Pages H9650–51

Providing additional teacher loan forgiveness on Federal student loans: H.R. 5186, amended, to reduce certain special allowance payments and provide additional teacher loan forgiveness on Federal student loans, by a ⅔ yea-and-nay vote of 414 yeas with none voting ''nay'', Roll No. 505; **Page H8651**

Reauthorizing and improving programs under the Public Works and Economic Development Act of 1965: S. 1134, to reauthorize and improve the programs authorized by the Public Works and Economic Development Act of 1965, by a ⅔ yea-and-nay vote of 388 yeas to 31 nays, Roll No. 507; and

Page H8663

Comprehensive Peace in Sudan Act: H.R. 5061, amended, to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan, by a ⅔ yea-and-nay vote of 412 yeas to 3 nays, Roll No. 508.

Pages H8663–64

American Jobs Creation Act of 2004—Conference Report: The House agreed to the conference report on H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad, by a yea-and-nay vote of 280 yeas to 141 nays, Roll No. 509.

Pages H8711–26

H. Res. 828, a rule waiving a requirement of clause 6(a) of rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, was agreed to by yea-and-nay vote of 222 yeas to 195 nays, Roll No. 506.

Pages H8651–63

H. Res. 830, the rule providing for consideration of the conference report was agreed to by voice vote.

Pages H8704–11

9/11 Recommendations Implementation Act: The House began consideration of H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination. Further consideration will continue tomorrow, October 8.

Pages H8664–H8704, H8726–H8851

Agreed to:

Simmons amendment (No. 2 printed in H. Rept. 108–751) that seeks to express the sense of Congress that the new National Intelligence Director should establish an Open Source Intelligence Center; and

Pages H8843–48

Souder amendment (No. 3 printed in H. Rept. 108–751) that directs the Secretary of Homeland Security to ensure that all appropriate personnel engaged in security screening of individuals have access to law enforcement and intelligence information maintained by DHS (by a recorded vote of 410 ayes with none voting ''no'', Roll No. 511).

Pages H8848–50, H8850–51

Rejected:

Menendez amendment in the nature of a substitute (No. 1 printed in H. Rept. 108–751) that sought to merge two bills endorsed by the 9/11 Commission (by a recorded vote of 203 ayes to 213 noes, Roll No. 510). **Pages H8792–H8843, H8850**

H. Res. 827, the rule providing for consideration of the bill was agreed to by voice vote. **Page H8658**

Committee Resignation: Read a letter from Representative Cantor wherein he resigned from the Committee on Government Reform effective immediately. **Page H8851**

Committee Election: Agreed to H. Res. 835, electing Representative Putnam to the Committee on Government Reform. **Page H8851**

Military Construction Appropriations Act, 2005—Motion to go to Conference: The House disagreed to the Senate amendment to H.R. 4837, 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 agreed to a conference.

Page H8851

Appointed as conferees: Representatives Knollenberg, Walsh, Aderholt, Granger, Goode, Vitter, Kingston, Crenshaw, Young (FL), Edwards, Farr, Boyd, Bishop (GA), Dicks, and Obey. **Page H8851**

Commission on International Religious Freedom—Appointment: The Chair announced the Speaker's appointment of Ms. Elizabeth Prodromou of Boston, Massachusetts to the Commission on International Religious Freedom to succeed Ms. Patricia W. Chang of San Francisco, California.

Page H8852

Quorum Calls—Votes: Seven yea-and-nay votes and two recorded votes developed during the proceedings of today. There were no quorum calls.

Pages H8649, H8649–50, H8650, H8651, H8662–63, H8663, H8664, H8725–26, H8850, H8851

Adjournment: The House met at 10 a.m. and adjourned at 12:13 a.m. on Friday, October 8.

Committee Meetings

MORTGAGE FRAUD—IMPACT ON MORTGAGE LENDERS

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''Mortgage Fraud and its Impact on Mortgage Lenders.'' Testimony was heard from the following officials of the Department of Housing and Urban Development: Kenneth M. Donohue, Sr., Inspector General; and John C. Weicher, Assistant Secretary, Housing/Federal Housing Commissioner; Chris Swecker, Assistant Director, Criminal Investigations, FBI, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Favorably considered the following bill and adopted a motion urging the Chairman to request that it be considered on the Suspension Calendar: H.R. 2760, as amended, Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003.

The Committee also began discussion of H. Res. 28, Expressing the sense of the House of Representatives that the United States should declare its support for the Independence of Kosova;

OVERSIGHT—FEDERAL OFFENDER REENTRY

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held an oversight hearing on Federal Offender Reentry and Protecting Children from Criminal Recidivists. Testimony was heard from Representatives Portman and Harris; Ashbel T. Wall II, Director, Department of Corrections, State of Rhode Island; and a public witness.

CONFERENCE REPORT—AMERICAN JOBS CREATION ACT OF 2004

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany, H.R. 4520, American Jobs Creation act of 2004, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Representative McCrery.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE—CONFERENCE REPORT—NATIONAL DEFENSE AUTHORIZATION

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of October 8, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of October 8, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, and for other purposes.

SAME-DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is

reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of October 8, 2004, providing for consideration or disposition of a conference report accompany the bill (H.R. 4837) 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.

CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Committee on Rules: Granted, by voice vote, a rule providing that suspensions will be in order at any time on the legislative day of Friday, October 8, 2004. The rule provides that the Speaker or his designee will consult with the Minority Leader or her designee on any suspension considered under the rule.

BRIEFING—IRAQ SURVEY GROUP REPORT

Permanent Select Committee on Intelligence: Met in executive session to receive a Briefing on Iraq Survey Group Report. The Committee was briefed by departmental witnesses.

Joint Meetings

AMERICAN JOBS CREATION ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad.

APPROPRIATIONS: DEPARTMENT OF HOMELAND SECURITY

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4567, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005, but did not complete action thereon, and recessed subject to the call of the chair.

NATURAL GAS

Joint Economic Committee: Committee concluded a hearing to examine the long-run economics of natural gas, focusing on conditions in the natural gas market, and strategies to balance the rising demand with the limited supply of natural gas, after receiving testimony from Daniel Yergin, Cambridge Energy Research Associates, Boston, Massachusetts; Paul Sankey, Deutsche Bank, New York, New York; Logan Magruder, Berry Petroleum Company's Rocky Mountain and Mid-continent Regions, Denver, Colorado, on behalf of the Independent Petroleum Association of Mountain States; and William R. Prindle, American Council for an Energy-Efficient Economy, Washington, D.C.

NEW PRIVATE LAW

(For last listing of Private Laws, see DAILY DIGEST, *p. D849)*

H.R. 1658, to amend the Railroad Right-of-Way Conveyance Validation Act to validate additional conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to facilitate the construction of the transcontinental railway. Signed on October 5, 2004. (Private Law 108–2)

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1012)*

H.R. 1308, to amend the Internal Revenue Code of 1986 to provide tax relief for working families. Signed on October 4, 2004. (Public Law 108–311)

H.R. 265, to provide for an adjustment of the boundaries of Mount Rainier National Park. Signed on October 5, 2004. (Public Law 108–312)

H.R. 1521, to provide for additional lands to be included within the boundary of the Johnstown Flood National Memorial in the State of Pennsylvania. Signed on October 5, 2004. (Public Law 108–313)

H.R. 1616, 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. Signed on October 5, 2004. (Public Law 108–314)

H.R. 1648, to authorize the Secretary of the Interior to convey certain water distribution systems of the Cachuma Project, California, to the Carpinteria Valley Water District and the Montecito Water District. Signed on October 5, 2004. (Public Law 108–315)

H.R. 1732, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Williamson County, Texas, Water Recycling and Reuse Project. Signed on October 5, 2004. (Public Law 108–316)

H.R. 2696, to establish Institutes to demonstrate and promote the use of adaptive ecosystem management to reduce the risk of wildfires, and restore the health of fire-adapted forest and woodland ecosystems of the interior West. Signed on October 5, 2004. (Public Law 108–317)

H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project. Signed on October 5, 2004. (Public Law 108–318)

H.R. 3249, to extend the term of the Forest Counties Payments Committee. Signed on October 5, 2004. (Public Law 108–319)

H.R. 3389, to amend the Stevenson-Wydler Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations. Signed on October 5, 2004. (Public Law 108–320)

H.R. 3768, to expand the Timucuan Ecological and Historic Preserve, Florida. Signed on October 5, 2004. (Public Law 108–321)

S.J. Res. 41, commemorating the opening of the National Museum of the American Indian. Signed on October 5, 2004. (Public Law 108–322)

H.R. 4654, to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2007. Signed on October 6, 2004. (Public Law 108–323)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 8, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Finance: to hold hearings to examine the nomination of Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States, 10 a.m., SD–215.

House

Committee on Government Reform, hearing entitled ''The Nation's Flu Shot Shortage: How it Happened and Where We Go from Here,'' 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on Peacekeeping in Africa: Challenges and Opportunities, 10 a.m., 2172 Rayburn.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the current employment situation for September, 9:30 a.m., SD–628.

Next Meeting of the SENATE

9 a.m., Friday, October 8

Senate Chamber

Program for Friday: Senate will begin consideration of the Conference Report to accompany H.R. 4520, American Jobs Creation Act. Also, at approximately 9:15 a.m., Senate will continue consideration of S. Res. 445, Intelligence Committee Reorganization Resolution, with a vote on the motion to invoke cloture on McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, October 8

House Chamber

Program for Friday: Continue consideration of H.R. 10, 9/11 Recommendations Implementation Act (structured rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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