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# House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. KIRK).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 8, 2004.*

I hereby appoint the Honorable MARK STEVEN KIRK to act as Speaker pro tempore on this day

J. DENNIS HASTERT,
*Speaker of the House of Representatives,*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You are our hope and our salvation. Your word guides our every step of the way. Your spirit of truth penetrates our very being and becomes the judgment of every word and deed of ours.

Your truth shall set us free, O Lord. Sift through every complexity before us. Wherever You lead us may we find solace and peace. Bring us at last to that place where our hearts will rest in You, forever and ever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from Georgia (Mr. GINGREY) come forward and lead the House in the Pledge of Allegiance.

Mr. GINGREY 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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five one-minute speech requests per side.

## AMERICA SALUTES MR. VANE SCOTT

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

Mr. NEY. Mr. Speaker, I rise today to commemorate the service of a great American, Mr. Vane Scott. Mr. Scott started his service to our nation in December, 1942. During World War II, he served on the USS *Radford* in the Pacific as an electrician and gyrocompass technician.

After the war, Mr. Scott went the to Art Institute of Pittsburgh on the GI bill; and, in 1968, he started an American flag production company. He retired in January, 1990; and he currently serves as the national president of the Radford Association. In September, 2001, Mr. Scott opened the USS *Radford* National Naval Museum in Newcomerstown, Ohio.

He is married to Mrs. Barbara Scott, his wife of more than 50 years, and has three children, four grandchildren and five great-grandchildren. On November 3, 2004, Mr. Scott will be inducted into the Ohio Veterans Hall of Fame for his valor in World War II and for his efforts in telling the stories of America's war heroes.

I also want to commemorate Mr. Scott's relative, Mr. Freeman Davis. Mr. Davis received the Medal of Honor for his valor on November 25, 1863, during the Civil War's Battle of Missionary Ridge.

Mr. Speaker, these two men represent some of the best America has to offer. I want to thank them for their remarkable service, and I want to congratulate Mr. Vane Scott on his induction into the Ohio Veterans Hall of Fame. America salutes Mr. Vane Scott today.

## UNETHICAL REPUBLICAN HOUSE

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

Mr. PALLONE. Mr. Speaker, it is now clear that the Republican leadership in the House of Representatives condones the direct linkage of political donations to legislation. It is clear the Republican leadership will not hesitate to use political donations to influence Members of their own caucus who plan to vote against them on legislation.

This weekend, former Republican Congressman Tom Coburn admitted on national television that Republican leaders had essentially offered him a bribe. Coburn said, ''I don't believe that is the kind of government we want. That is what we are seeing in Congress now with some of the ethical problems that are there.''

Mr. Coburn, I could not agree with you more. Unfortunately, even the Speaker excused such actions yesterday when he said he was ''profoundly disappointed'' by those who do not think bribes, threats and payoffs are acceptable behavior. An ethical cloud is indeed hanging over this House, and it will not be removed until a Democratic House is installed this November.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.



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## OUR TERRORIST ENEMIES ARE AFOOT

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

Mr. PENCE. Mr. Speaker, as we were grimly reminded in Egypt yesterday, our terrorist enemies are afoot. As we conclude our work on the 9/11 Recommendations Implementation Act today, we do so under a veil of uncertainty abroad and here at home, which makes both the content and tone of our debate on intelligence reform so important.

The 9/11 Commission performed a great public service, and its recommendations were thoughtful. Let us make this point. The 9/11 Commission was not elected by the American people to see to their security, we were. By retaining the independence of our defense and intelligence, while increasing coordination among agencies and adding vital immigration reforms, this Congress is doing just that.

Our enemies wish to do us harm, and the days before elections seem to be especially attractive to them for their treachery. As we debate the 9/11 Recommendations Implementation Act today, let live up to that ancient charge. Let us be strong and courageous and do the work the American people sent us here to do.

## FOG OF WAR HAS SET IN

(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, in the past 24 hours, AT&T announced it is cutting an additional 7,000 workers, Bank of America is laying off an additional 4,500 employees, and Unisys 1,400, and 18,000 manufacturing jobs last month alone were lost. Less than an hour ago, the Bureau of Labor Statistics announced the economy added a paltry 96,000 jobs. Oil prices are above $50 a barrel. Since 2000, 5 million more Americans have entered the rolls of poverty. Bankruptcies are up more than a third. College and health care costs have each gone up by a third in the last 3 years, yet President Bush says we are making steady progress on the economy.

In Iraq, the numbers of attacks are increasing daily. Nearly 1,100 Americans have been killed and Republican Senators MCCAIN, LUGAR and HAGEL have said Iraq is a mess.

America is stuck in an endless occupation and a jobless economy, yet the word ''progress'' is how President Bush described the situation. Time after time this administration has tried to bend reality to its ideology. Usually, the fog of war sets in on the battlefield, but it appears the fog of war has set in at the White House.

## JOHN KERRY'S HANDOUT TO THE RICH

(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, despite what he says, under JOHN KERRY's tax plan, a multi-billionaire could get away without paying 1 penny more in taxes. The problem is Mr. KERRY does not distinguish between wealth and taxable income. Many truly wealthy do not receive a lot of taxable income. They put their money in tax-sheltered investments. If Mr. KERRY were truly serious about taxing the wealth, he would propose eliminating these tax shelters and penalize wealth directly.

Instead, Mr. KERRY would raise taxes on small business owners, ranchers and family farmers. They all work hard, but many are asset rich in land and equipment and cash poor. They are not wealthy. Many borrow money to start or grow businesses and often have high expenses. But if Mr. KERRY gets his way, these hard-working families would see more of their dwindling resources go to Uncle Sam while the truly wealthy get richer. Mr. KERRY's plan might sound good, but it is just a back-door tax hike on working families while giving the truly wealthy a pass.

## ETHICAL CLOUD OVER HOUSE GROWS DARKER

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

Mr. BROWN of Ohio. Mr. Speaker, the ethical cloud hanging over the House of Representatives is growing darker. The arrogance of power has brought dishonor on the House of Representatives.

Look at the Medicare bill. It was written by the drug and insurance companies in the White House and in the Oval office. The legislation passed here in the middle of the night. The leadership attempted to bribe one Republican Member from Michigan. There was the threat of firing a bureaucrat in the President's office who tried to be honest with Congress and tried to be honest with the American people.

The result of that corruption is a 17.4 percent premium increase, the largest premium increase in Medicare history. Republican leaders should be ashamed of themselves.

## HONORING ANDREW PHILLIPS

(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 a man whose selfless service keeps the citizens of Georgia's 11th Congressional District safe each and every day.

I recently had the privilege of attending a Public Safety Appreciation Breakfast to honor Officer Andrew Phillips of the Marietta Police Department with the Award of Merit.

The Award recognizes a public safety employee for an act of bravery involving great personal risk and saved lives. Officer Phillips was nominated for an incident in March, 2004, where he placed his life in jeopardy to protect other officers who had been shot as they were executing a search warrant in Mableton, Georgia. Instead of retreating, he pressed forward and returned the perpetrator's gunfire until the man surrendered.

By putting other's safety above his own, Andrew Phillips exemplified the highest bravery and professionalism in police work.

Mr. Speaker, I ask that you join me in congratulating Officer Phillips of Georgia's 11th Congressional District.

## ARKANSAS NATIONAL GUARD CELEBRATES 200TH ANNIVERSARY

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

Mr. SNYDER. Mr. Speaker, it was my honor last week to attended the 200th anniversary of the Arkansas National Guard.

In 1804, Arkansas was part of the District of Louisiana which was attached to the Indiana territory for administrative purposes. On October 1, 1804, the governor and judges of the Indiana Territory met to pass the laws of the newly acquired District of Louisiana. One of those laws established the requirement for the establishment of a militia which stated ''all the male inhabitants in the district shall be liable to and perform militia duties.'' The Arkansas guard has grown from that.

The first use of the Arkansas militia was during the territorial period when one company of the Miller County militia was called out in 1828 to settle a dispute between local settlers and Native Americans. The situation was resolved without the use of force.

Arkansas units have served in every American war from the war with Mexico in 1846 to the current war on terrorism. Currently, over 3,000 members of the Arkansas National Guard are serving in Iraq with the 39th Brigade, and a number of other units, and over 40 percent of the Army Guard in Arkansas is currently employed in Iraq or in the war on terror.

Mr. Speaker, our thoughts and prayers are with these troops today as we celebrate the 200 years of service of the Arkansas National Guard.

## EXPERTS PROVE HUSSEIN WAS A THREAT

(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, Charles Duelfer, the chief of

the Iraq Survey Group, said in testimony before Congress that Saddam Hussein had plans to reconstitute his weapons of mass destruction, waiting for the sanctions to erode. In June 4, Mr. Duelfer told me that threat analysis while I visited him in Baghdad. This comes after former weapons inspector David Kay said earlier this year that Saddam was more of a serious threat than we thought.

As President Bush said yesterday, Saddam Hussein retained the knowledge, the materials, the means and intent to produce weapons of mass destruction; and he could have passed that knowledge on to our terrorist enemies. After September 11, we learned we could no longer wait until threats became imminent. If we had waited to liberate Iraq, sanctions may have been lifted, and by that time he may have acquired the weapons that he so desperately wanted. Removing Saddam's brutal, terror-sponsoring regime was the right thing to do at the right time.

Mr. Speaker, we need a courageous President that will continue to protect American families by stopping the enemies at the source in the war on terrorism to reduce the threat of warfare in American neighborhoods.

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

## CHANGE IS COMING

(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, I want to introduce Members to four young men: Justin Sane, Chris #2, Chris Head, and Pat-Thetic. They are a major punk band called Anti-Flag. Do not let this stage name fool you. These kids care about their country. For over a month, they have been touring America and singing to get kids involved in this election.

Yes, they have mohawks and rings, but in the 1960s, we were considered radical because of long hair and beads, and we changed this country. And these kids will, too.

They are straight-edge punk; no drugs, no alcohol, just kids from Pittsburgh with interesting-colored hairdos and a great message for young people, register and vote or be told what to do and where to go and fight by an administration that will not talk straight to the American people.

To their parents I say, be proud; they are smart kids. I ought to know. I am a child psychiatrist. Do not worry about the hair. It will change.

To the country, all I can say is kids are listening and change is coming because voting is going to be the in thing in 2004. Mr. Bush, your days are numbered.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should address their remarks to the Chair and not to the President.

## 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.

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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. KOLBE (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 on the legislative day of Thursday, October 7, 2004, amendment No. 3 printed in House Report 108–571 by the gentleman from Indiana (Mr. SOUDER) had been disposed of.

It is now in order to consider amendment No. 4 printed in House Report 108–751.

AMENDMENT NO. 4 OFFERED BY MR. KIRK

Mr. KIRK. 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. 4 offered by Mr. KIRK:

Page 60, after line 9, insert the following new section:

**SEC. 1018. REPORT ON INTEGRATION OF DRUG ENFORCEMENT AGENCY INTO THE INTELLIGENCE COMMUNITY.**

(a) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the practicality of integrating the Drug Enforcement Administration into the intelligence community.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and

(2) the Committees on the Judiciary of the House of Representatives and the Senate.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. KIRK).

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

Mr. Chairman, this amendment corrects a critical problem with our intelligence community and adds a needed bipartisan recommendation to the reforms we have in the underlying legislation. We have known for quite some time that the sale of elicit narcotics and terrorism go hand in hand. This link is now firm and is clear with regard to the terrorist activities and terrorist groups in Colombia. It is also clear in Peru, but this phenomenon has spread far beyond Latin America and is evident in Pakistan and Afghanistan.

Earlier this year, I traveled to Pakistan and Afghanistan, the key frontier border area of such concern to the United States, and there I learned a new fact, that Osama bin Laden's connection to his family fortune has been reduced. His connection to donations to the United States and Europe has been reduced, but he has a new source of income. Osama bin Laden is now becoming one of the world's largest dealers in heroin. Through just one of his supply organizations, bin Laden's lieutenants are earning at least $28 million from the sale of narcotics through Pakistan.

Let us remind ourselves of the conclusion of the 9/11 Commission, that the attacks against the World Trade Centers, Shanksville, and the Pentagon cost al Qaeda only $500,000. With an annual income of $28 million coming from the sale of illegal narcotics, we know that one of the key terrorist financing mechanisms is the sale of illegal narcotics.

In the 9/11 Commission report, they briefly mentioned this but did not focus on it. When you are on the front lines in Kandahar or Peshawar in Pakistan, you see that this link is clear.

Our Drug Enforcement Agency has some of the best financial maps of terrorist organizations in the world, and the Drug Enforcement Agency used to be a formal member of the intelligence community. In my judgment and the judgment of my bipartisan partner, the gentleman from Washington (Mr. LARSEN), on this amendment, we believe that the Drug Enforcement Agency should become part of the intelligence community again, that this link between terrorism and illegal narcotics is very clear.

Roughly half of the 28 terrorist organizations identified by the State Department in October, 2001, have links to drug activities. Organizations like the Kurdistan Worker's Party, the National Liberation Army, ELN, al Qaeda, the Revolutionary Armed Forces of Colombia, Shining Path, and the United Self-Defense Forces/Group of Colombia. All of these in a worldwide phenomenon, depending on violence and terror, funded by the sale of illegal narcotics.

This bipartisan amendment would help study the integration of the U.S. Drug Enforcement Agency into the intelligence community. It is supported by Karen Tandy, the administrator of the DEA. It is supported by a number

of minority members. It is supported by the attorney general. I urge adoption of this amendment.

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

Mr. REYES. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I rise in support of the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. Chairman, I rise today in support of the Kirk amendment to H.R. 10. This amendment requires the President to submit to Congress a report detailing the best way to incorporate the Drug Enforcement Administration into the intelligence community.

The El Paso Intelligence Center, or EPIC, is an asset of the Drug Enforcement Agency. It is located in El Paso, Texas. It is the Nation's singular, multi-agency, tactical intelligence center for drug, alien, and weapons trafficking intelligence. Supporting Federal, State, and local law enforcement officers, EPIC also provides information regarding homeland security, homeland defense and counterterrorism to its member agencies. During my 26½ year tenure with the United States Border Patrol, I was able to utilize the services of EPIC, leading to a personal appreciation of the important role that the El Paso Intelligence Center plays in homeland security defense.

Currently, EPIC accomplishes its mission by processing requests for information received from Federal, State and local law enforcement personnel on persons, modes of transportation, organizations or addresses that are suspected of being engaged or associated with some type of criminal activity. Officers have 24 hours a day, 7 days a week access to the information in its database. It gives them the ability to query and provide simultaneous access to a number of other Federal databases. The El Paso Intelligence Center provides analysis of drug movement events, trends and patterns. They also do research on criminal investigations and communication intercept exploitation in support of its many different customers.

It is well known that there is a link in my opinion between illegal narcotics and the funding that it creates for terrorism. The El Paso Intelligence Center understands this link and is known around the world for its ability to connect the dots between actions and players.

The DEA plays an important role in this Nation's war on terrorism and war on drugs, and should be more fully integrated with our intelligence community. For those reasons, I urge my colleagues to support the Kirk amendment.

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

Mr. KIRK. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding me this time and thank the gentleman for his amendment.

Mr. Chairman, I support this amendment and appreciate the efforts of the gentleman from Illinois on this issue. The intelligence community looks forward to an opportunity to review this issue further.

The DEA has substantial capabilities around the world that should be fully utilized in an appropriate fashion. The report that is provided for in this amendment will assist Congress in its consideration of the role of the Drug Enforcement Administration and the intelligence community along with the other important responsibilities that the DEA undertakes on a daily basis. I look forward to seeing the report and look forward to the passage of this amendment.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I rise in support of this amendment along with my colleague, the gentleman from Illinois (Mr. KIRK).

We need to consider making the DEA part of our intelligence network. Before our own eyes, Afghanistan is reemerging as the international leader in the heroin trade. As this problem grows, the less control our Nation will have over the funding sources of international terrorism. A direct relationship exists between terrorism and the drug trade. Therefore, a direct relationship is needed between the DEA and our intelligence agencies. The DEA not only combats the drug trade around the world but can gather valuable information that can transcend drug trafficking and reach into the shadowy corners of international terrorism.

According to the State Department, 12 of the 28 terrorist organizations listed in the Department of State October, 2001, Report on Foreign Terrorist Organizations have links to foreign drug trafficking. One fitting example of this relationship happened in 2003 when a seizure of hashish from a trafficking group included suspected al Qaeda members and involved drugs worth nearly $30 million at wholesale.

The drug trade not only has a role in funding terrorists but also plays a significant destabilizing role in Afghanistan. Just yesterday, drug smugglers were implicated in a terrorist attack on Hamid Karzai's vice presidential candidate. Free elections in Afghanistan are a threat to the drug trade, just as free elections in Afghanistan are a threat to global terrorism.

According to our Office of National Drug Control Policy, the challenging security situation in Afghanistan has complicated the task of fighting the war against drugs and vice versa. As the terrorists lose ground, the opium poppy growers win, and much of the money from Afghanistan's opium sales goes right back to the terrorists.

Drug traffickers and terror networks work out of the same rule book. They both strive to undermine democratic institutions and engage in widespread violence and corruption. Both groups also depend on money laundering, forgery and arms deals to implement their deadly goals.

We cannot separate international terrorism from the drug trade. They are intertwined. This amendment will examine the ways DEA can maintain its current role while sharing information to help further protect our Nation. I believe this amendment is in the spirit of the 9/11 Commission recommendations and will help create and consolidate the whole intelligence picture that a president needs to defend our Nation. I urge its support.

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

Mr. KIRK. Mr. Chairman, I yield myself the balance of my time.

In closing, I thank the gentleman from Texas (Mr. REYES) and the gentleman from Washington (Mr. LARSEN) for supporting this amendment. The gentleman from Texas is exactly right. El Paso Intelligence Center already does this. It is a critical asset but should be a formal part of the intelligence community, as are combatant commands that do a number of key tasks with regard to drug profits and terrorism.

We know that half of the Afghan economy is now related to the sale of illicit narcotics. We know that the Taliban and al Qaeda depend on terrorist profits. We started winning the battle against narcoterrorism in Colombia because we took a unified campaign on this approach against terrorism and the sale of illegal narcotics.

The DEA is the expert on these financial organizations. If the 9/11 Commission said anything, it said we should attack the financial support for terrorism and that financial support is increasingly reliant on the sale of illegal narcotics, especially for Osama bin Laden becoming one of the number one heroin dealers in Central Asia. For these reasons, I urge adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

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

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. KIRK) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 108–751.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

Mr. SESSIONS. 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. 5 offered by Mr. SESSIONS:

At the end of title II of the bill (page 235, after line 21), insert the following new subtitle:

**Subtitle J—Prevention of Terrorist Access to Destructive Weapons Act of 2004**

**SECTION 2211. SHORT TITLE.**

This subtitle may be cited as the ''Prevention of Terrorist Access to Destructive Weapons Act of 2004''.

**SEC. 2212. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The criminal use of man-portable air defense systems (MANPADS) presents a serious threat to civil aviation worldwide, especially in the hands of terrorists or foreign states that harbor them.

(2) Atomic weapons or weapons designed to release radiation (''dirty bombs'') could be used by terrorists to inflict enormous loss of life and damage to property and the environment.

(3) Variola virus is the causative agent of smallpox, an extremely serious, contagious, and sometimes fatal disease. Variola virus is classified as a Category A agent by the Centers for Disease Control and Prevention, meaning that it is believed to pose the greatest potential threat for adverse public health impact and has a moderate to high potential for large-scale dissemination. The last case of smallpox in the United States was in 1949. The last naturally occurring case in the world was in Somalia in 1977. Although smallpox has been officially eradicated after a successful worldwide vaccination program, there remain two official repositories of the variola virus for research purposes. Because it is so dangerous, the variola virus may appeal to terrorists.

(4) The use, or even the threatened use, of MANPADS, atomic or radiological weapons, or the variola virus, against the United States, its allies, or its people, poses a grave risk to the security, foreign policy, economy, and environment of the United States. Accordingly, the United States has a compelling national security interest in preventing unlawful activities that lead to the proliferation or spread of such items, including their unauthorized production, construction, acquisition, transfer, possession, import, or export. All of these activities markedly increase the chances that such items will be obtained by terrorist organizations or rogue states, which could use them to attack the United States, its allies, or United States nationals or corporations.

(5) There is no legitimate reason for a private individual or company, absent explicit government authorization, to produce, construct, otherwise acquire, transfer, receive, possess, import, export, or use MANPADS, atomic or radiological weapons, or the variola virus.

(b) PURPOSE.—The purpose of this subtitle is to combat the potential use of weapons that have the ability to cause widespread harm to United States persons and the United States economy (and that have no legitimate private use) and to threaten or harm the national security or foreign relations of the United States.

**SEC. 2213. MISSILE SYSTEMS DESIGNED TO DESTROY AIRCRAFT.**

Chapter 113B of title 18, United States Code, is amended by adding after section 2332f the following:

**''§ 2332g. Missile systems designed to destroy aircraft**

''(a) UNLAWFUL CONDUCT.—

''(1) IN GENERAL.—Except as provided in paragraph (3), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

''(A) an explosive or incendiary rocket or missile that is guided by any system designed to enable the rocket or missile to—

''(i) seek or proceed toward energy radiated or reflected from an aircraft or toward an image locating an aircraft; or

''(ii) otherwise direct or guide the rocket or missile to an aircraft;

''(B) any device designed or intended to launch or guide a rocket or missile described in subparagraph (A); or

''(C) any part or combination of parts designed or redesigned for use in assembling or fabricating a rocket, missile, or device described in subparagraph (A) or (B).

''(2) NONWEAPON.—Paragraph (1)(A) does not apply to any device that is neither designed nor redesigned for use as a weapon.

''(3) EXCLUDED CONDUCT.—This subsection does not apply with respect to—

''(A) conduct by or under the authority of the United States or any department or agency thereof or of a State or any department or agency thereof; or

''(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof or with a State or any department or agency thereof.

''(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense occurs outside of the United States and is committed by a national of the United States;

''(3) the offense is committed against a national of the United States while the national is outside the United States;

''(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

''(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

''(c) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than $2,000,000 and shall be sentenced to a term of imprisonment not less than 30 years or to imprisonment for life.

''(2) LIFE IMPRISONMENT.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than $2,000,000 and imprisoned for life.

''(3) DEATH PENALTY.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than $2,000,000 and punished by death or imprisoned for life.

''(d) DEFINITION.—As used in this section, the term 'aircraft' has the definition set forth in section 40102(a)(6) of title 49, United States Code.''.

**SEC. 2214. ATOMIC WEAPONS.**

(a) PROHIBITIONS.—Section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) is amended by—

(1) inserting at the beginning ''a.'' before ''It'';

(2) inserting ''knowingly'' after ''for any person to'';

(3) striking ''or'' before ''export'';

(4) striking ''transfer or receive in interstate or foreign commerce,'' before ''manufacture'';

(5) inserting ''receive,'' after ''acquire,'';

(6) inserting '', or use, or possess and threaten to use,'' before ''any atomic weapon'';

(7) inserting at the end the following:

''b. Conduct prohibited by subsection a. is within the jurisdiction of the United States if—

''(1) the offense occurs in or affects interstate or foreign commerce; the offense occurs outside of the United States and is committed by a national of the United States;

''(2) the offense is committed against a national of the United States while the national is outside the United States;

''(3) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

''(4) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.''.

(b) VIOLATIONS.—Section 222 of the Atomic Energy Act of 1954 (42 U.S.C. 2272) is amended by—

(1) inserting at the beginning ''a.'' before ''Whoever'';

(2) striking '', 92,''; and

(3) inserting at the end the following:

''b. Any person who violates, or attempts or conspires to violate, section 92 shall be fined not more than $2,000,000 and sentenced to a term of imprisonment not less than 30 years or to imprisonment for life. Any person who, in the course of a violation of section 92, uses, attempts or conspires to use, or possesses and threatens to use, any atomic weapon shall be fined not more than $2,000,000 and imprisoned for life. If the death of another results from a person's violation of section 92, the person shall be fined not more than $2,000,000 and punished by death or imprisoned for life.''.

**SEC. 2215. RADIOLOGICAL DISPERSAL DEVICES.**

Chapter 113B of title 18, United States Code, is amended by adding after section 2332g the following:

**''§ 2332h. Radiological dispersal devices**

''(a) UNLAWFUL CONDUCT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly produce, construct, otherwise acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use—

''(A) any weapon that is designed or intended to release radiation or radioactivity at a level dangerous to human life; or

''(B) or any device or other object that is capable of and designed or intended to endanger human life through the release of radiation or radioactivity.

''(2) EXCEPTION.—This subsection does not apply with respect to—

''(A) conduct by or under the authority of the United States or any department or agency thereof; or

''(B) conduct pursuant to the terms of a contract with the United States or any department or agency thereof.

''(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense occurs outside of the United States and is committed by a national of the United States;

''(3) the offense is committed against a national of the United States while the national is outside the United States;

''(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

''(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

''(c) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than $2,000,000 and shall sentenced to a term of imprisonment not less than 30 years or to imprisonment for life.

''(2) LIFE IMPRISONMENT.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than $2,000,000 and imprisoned for life.

''(3) DEATH PENALTY.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than $2,000,000 and punished by death or imprisoned for life.''.

**SEC. 2216. VARIOLA VIRUS.**

Chapter 10 of title 18, United States Code, is amended by inserting after section 175b the following:

**''§ 175c. Variola virus**

''(a) UNLAWFUL CONDUCT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly produce, engineer, synthesize, acquire, transfer directly or indirectly, receive, possess, import, export, or use, or possess and threaten to use, variola virus.

''(2) EXCEPTION.—This subsection does not apply to conduct by, or under the authority of, the Secretary of Health and Human Services.

''(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

''(1) the offense occurs in or affects interstate or foreign commerce;

''(2) the offense occurs outside of the United States and is committed by a national of the United States;

''(3) the offense is committed against a national of the United States while the national is outside the United States;

''(4) the offense is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States; or

''(5) an offender aids or abets any person over whom jurisdiction exists under this subsection in committing an offense under this section or conspires with any person over whom jurisdiction exists under this subsection to commit an offense under this section.

''(c) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Any person who violates, or attempts or conspires to violate, subsection (a) shall be fined not more than $2,000,000 and shall be sentenced to a term of imprisonment not less than 30 years or to imprisonment for life.

''(2) LIFE IMPRISONMENT.—Any person who, in the course of a violation of subsection (a), uses, attempts or conspires to use, or possesses and threatens to use, any item or items described in subsection (a), shall be fined not more than $2,000,000 and imprisoned for life.

''(3) DEATH PENALTY.—If the death of another results from a person's violation of subsection (a), the person shall be fined not more than $2,000,000 and punished by death or imprisoned for life.

''(d) DEFINITION.—As used in this section, the term 'variola virus' means a virus that can cause human smallpox or any derivative of the variola major virus that contains more than 85 percent of the gene sequence of the variola major virus or the variola minor virus.''.

**SEC. 2217. INTERCEPTION OF COMMUNICATIONS.**

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (a), by inserting ''2122 and'' after ''sections'';

(2) in paragraph (c), by inserting ''section 175c (relating to variola virus),'' after ''section 175 (relating to biological weapons),''; and

(3) in paragraph (q), by inserting ''2332g, 2332h,'' after ''2332f,''.

**SEC. 2218. AMENDMENTS TO SECTION 2332b(g)(5)(B) OF TITLE 18, UNITED STATES CODE.**

Section 2332b(g)(5)(B) of title 18, United States Code, is amended—

(1) in clause (i)—

(A) by inserting before ''2339 (relating to harboring terrorists)'' the following: ''2332g (relating to missile systems designed to destroy aircraft), 2332h (relating to radiological dispersal devices),''; and

(B) by inserting ''175c (relating to variola virus),'' after ''175 or 175b (relating to biological weapons),''; and

(2) in clause (ii)—

(A) by striking ''section'' and inserting ''sections 92 (relating to prohibitions governing atomic weapons) or''; and

(B) by inserting ''2122 or'' before ''2284''.

**SEC. 2219. AMENDMENTS TO SECTION 1956(c)(7)(D) OF TITLE 18, UNITED STATES CODE.**

Section 1956(c)(7)(D), title 18, United States Code, is amended—

(1) by inserting after ''section 152 (relating to concealment of assets; false oaths and claims; bribery),'' the following: ''section 175c (relating to the variola virus),'';

(2) by inserting after ''section 2332(b) (relating to international terrorist acts transcending national boundaries),'' the following: ''section 2332g (relating to missile systems designed to destroy aircraft), section 2332h (relating to radiological dispersal devices),''; and

(3) striking ''or'' after ''any felony violation of the Foreign Agents Registration Act of 1938,'' and after ''any felony violation of the Foreign Corrupt Practices Act'', striking ''.'' and inserting '', or section 92 of the Atomic Energy Act of 1954 (42 U.S.C. 2122) (relating to prohibitions governing atomic weapons)''.

**SEC. 2220. EXPORT LICENSING PROCESS.**

Section 38(g)(1)(A) of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(1) by striking ''or'' before ''(xi)''; and

(2) by inserting after clause (xi) the following: ''or (xii) section 3, 4, 5, and 6 of the Prevention of Terrorist Access to Destructive Weapons Act of 2004, relating to missile systems designed to destroy aircraft (18 U.S.C. 2332g), prohibitions governing atomic weapons (42 U.S.C. 2122), radiological dispersal devices (18 U.S.C. 2332h), and variola virus (18 U.S.C. 175b);''.

**SEC. 2221. CLERICAL AMENDMENTS.**

(a) CHAPTER 113B.—The table of sections for chapter 113B of title 18, United States Code, is amended by inserting the following after the item for section 2332f:

''2332g. Missile systems designed to destroy aircraft.

''2332h. Radiological dispersal devices.''.

(b) CHAPTER 10.—The table of sections for chapter 10 of title 18, United States Code, is amended by inserting the following item after the item for section 175b:

''175c. Variola virus.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Texas (Mr. SESSIONS) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

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

Today, I rise to offer my legislation, Prevention of Terrorist Access to Destructive Weapons Act, an amendment to H.R. 10. This amendment will aid the hard-working Federal investigators and agents on the front line in the war on terror by establishing a zero tolerance policy towards the illegal importation, possession or transfer of shoulder-fired missiles, atomic weapons, dirty bombs, and the smallpox virus.

□ 0930

Mr. SESSIONS. Today, maximum penalties of only 10 years in prison apply to the unlawful possession of shoulder-fired missiles. The same weak penalty also currently applies to the unlawful possession of an atomic weapon. Today, there is no law criminalizing the possession of dirty bombs with criminal intent, and the unregistered possession of the smallpox virus carries a maximum penalties of only 5 years in prison.

Given the terrorist threats that we currently face in the United States, weak punishments for the possession or use of these weapons is simply unacceptable in light of the fact that we know that 26 terror groups already have shoulder-fired missiles in their possession.

My amendment imposes stringent, mandatory minimum criminal penalties for these heinous crimes similar to the laws that we already use to prosecute drug kingpins. Specifically, for each of the weapons covered by the bill, unlawful possession would result in mandatory imprisonment for up to 30 years to life. Using, attempting, or conspiring to use, or possessing and threatening to use these weapons would result in mandatory life in prison. And if one death were to result from the unlawful possession of one of these weapons, this amendment would allow the death penalty to be applied to anyone who targets America in a terrorist attack.

Although tougher penalties may not deter homicidal terrorists determined to attack the United States, they will help to deter those middlemen who are

essential to the transfer of such weapons. Many of these middlemen aid terrorists purely for financial gain, and significantly tougher mandatory penalties would dramatically alter their cost-benefit calculations.

When the middleman is caught importing or hiding these weapons, the existence of tough penalties will also assist prosecutors and investigators in obtaining cooperation and moving swiftly to identify terrorists. Long mandatory sentences, including life without parole, provide a fast and powerful incentive to cooperate, as has already been proven in cracking the code of silence for organized crime. In the case of these dangerous weapons, the speed with which persons choose to cooperate could also save thousands of lives.

These increased penalties are completely justified in light of the catastrophic destruction that could be caused by the use of any of these weapons, and supporting my amendment will send a strong message of America's resolve to win the war on terrorism.

Mr. Chairman, I encourage my colleagues to join me in supporting and giving Federal investigators and prosecutors the tools they have asked for to aid them in their fight against terrorism by supporting this commonsense, effective amendment.

[From the Associated Press, Aug. 5, 2004]

TWO ARRESTED IN MISSILE STING OPERATION

WASHINGTON.—Two leaders of a mosque in Albany, New York, were arrested on charges stemming from an alleged plot to help a man they thought was a terrorist who wanted to purchase a shoulder-fired missile, federal authorities said Thursday.

The men have ties to a group called Ansar al-Islam, which has been linked to the al Qaeda terror network, according to two federal law enforcement authorities speaking on condition of anonymity.

The two arrests came as FBI, Immigration and Customs Enforcement and other agents executed search warrants at the Masjid As-Salam mosque and two Albany-area homes, officials said. The men were identified as Yassin Aref, 34, the imam of the mosque, and 49-year-old Mohammed Hoosain, one of the mosque's founders.

According to law enforcement officials, the two are being charged with providing material support to terrorism by participating in a conspiracy to help an individual they believed was a terrorist purchase a shoulder-fired missile.

The individual was an undercover government agent and no missile ever changed hands. Aref and Hoosain were allegedly involved in money-laundering aspects of the plot, the officials said.

The investigation has been going on for a year and is not related to the Bush administration's decision earlier this week to raise the terror alert level for certain financial sector buildings in New York and Washington, the officials said.

In Albany, some mosque members gathered early Thursday outside the institution for morning prayers.

More details about the case were expected to be released later Thursday by the Justice Department.

[From the Los Angeles Times, Mar. 4, 2004]

2 CONVICTED OF SEEKING MISSILES FOR AL QAEDA ALLY

(By Tony Perry)

SAN DIEGO.—A Pakistani national and a naturalized American pleaded guilty Wednesday to a conspiracy to help the Al Qaeda terrorist group by selling five tons of hashish and a half-ton of heroin in exchange for money and four Stinger missiles.

Muhamed Abid Afridi, 30, and a naturalized citizen from Inida, Ilyas Ali, 56, admitted in U.S. District Court here that they planned to sell the missiles to the Taliban, an ally of Al Qaeda.

Afridi, Ali and a second Pakinstani were arrested in Hong Kong in September 2002 after meeting with undercover FBI agents posing as arms dealers with Stingers to sell. They allegedly offered to sell the agents heroin and hashish in return for missiles and money.

''They both had the will and the means to carry out the transaction they were negotiating,'' said Assistant U.S. Atty. Michael Skerlos.

Stingers are shoulder-launched missiles distributed widely by the CIA to Afghan rebels fighting the Soviet army in the 1980s. Easy to use and deadly accurate at hitting low-flying aircraft, Stingers were credited with helping the Afghans demoralize and rout the much stronger Soviets.

''Because of the actions taken in this investigation, America is safer and our citizens are more secure,'' Atty. General John Ashcroft said in a statement.

Initial meetings between Ali and the FBI agents occurred in San Diego, according to court documents. Afridi and Ali are scheduled to be sentenced June 29 by Judge M. James Lorenz; a plea bargain recommends that each be sentenced to up to 10 years in prison.

The case against the second Pakistani, Syed Mustajab Shah, has a court date April 5.

Ali was a grocer in Minneapolis before his arrest.

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[From Jane's Intelligence Review, Sept. 2001]

THE PROLIFERATION OF MANPADS

(By Thomas B. Hunter)

Man-portable surface-to-air missiles, also known as MANPADs, represent a significant potential threat to military and civilian aircraft.

Following the collapse of the Soviet Union, the proliferation of SA-series MANPADs has increased, and the diffusion of these weapons now exceeds the infamous spread of US-made Stinger missiles from Afghanistan during the 1990s. Today, MANPADs of various types are in the hands of as many as 27 guerrilla and terrorist groups around the world.

Tracking the proliferation of MANPADs is a difficult endeavour. Often, the only verification of use by non-state actors has been post-event in nature—recovery of a used launcher or fragments from expended missiles. The black market is the primary source for these weapons. Unlike state-to-state transfers, usually documented and visible, the illicit black market MANPAD trade defies accurate tracking.

The inability of governments to correctly identify seized weapons also contributes to inaccurate reports. In many cases, soldiers and government officials have identified rocket-propelled grenades (RPGs) and other handheld rocket launchers as MANPADs. Moreover, the word 'Stinger' has become an all-encompassing term for any MANPAD among many civilian, military, and non-state groups, further complicating efforts to verify proliferation activity.

In many cases of surface-to-air attacks on aircraft, misreporting is quite common. Airbursts occurring near low-flying aircraft have frequently been reported as attacks by MANPADs, when in fact they are usually RPGs. Attacks on aircraft at very low altitudes, those occurring under 1,000 feet, are almost exclusively RPGs. Guerrilla and terrorist forces have successfully adapted the RPG to the anti-aircraft role. This skill was demonstrated perhaps most clearly when two US MH–60 Black Hawk helicopters were shot down by Somali gunmen in October 1993.

One popular misconception is that these missiles become unusable after several years due to battery or other systems failures, and are therefore useless after a period of time. While it is true that all MANPAD batteries have a finite shelf life, these can be replaced with commercially purchased batteries available on the open market and technically proficient terrorist groups might also be able to construct hybrid batteries to replace used ones.

Other concerns include deterioration of missile propellants and seeker coolant, and general storage issues. While these concerns merit attention, the commonly held assumption that these weapons have short shelf lives is erroneous. Most missiles are hermetically sealed in launchers designed for rough handling by soldiers in the field. Temperature extremes are also factored into the design of these weapons, reducing the threat of environmental degradation.

Clearly, the shelf life of MANPADs is, in large part, dependent on the conditions in which the weapon is stored. However, under ideal (factory specified) conditions, some versions of these weapons can remain operational for 22 years or more. So while it can be assumed that some weapons have not been stored in ideal conditions, many weapons previously believed to be inoperative, such as the Afghan Stingers, may indeed be operational.

Furthermore, MANPADs remain a popular commodity on the global black arms market. With the exception of the Soviet-Afghan war, these weapons are more widespread today than at any time since their introduction in the late 1960s. Guerrilla and terrorist organisations can obtain them with relative ease, with the primary limitation being money. As some of these groups increase their profits through drug trafficking and other activities, the likelihood of further illicit purchases will also increase.

MANPADs have proliferated to non-state groups throughout sub-Saharan Africa. These weapons can be found in the hands of insurgent groups in Angola, the Democratic Republic of Congo, Ethiopia. Rwanda and Somalia.

Of these states, Angola has seen the greatest activity. The CIA covertly provided FIM–92A Stinger missiles to UNITA rebels in the late 1980s as part of its effort to assist in the overthrow of Angola's pro-communist government. As in Afghanistan, efforts to recover the missiles following the end of hostilities proved futile. Today UNITA retains an unknown number of advanced weapons, which may be augmented with SA–7 (NATO reporting name 'Grail,' Russian name Strela-2) and FIM–43 Redeye missiles captured from government forces.

UNITA has also shown willingness to use them, sometimes against civilian aircraft. UNITA fired missiles at three World Food Programme (WFP) aircraft in June 2001, for example. One plane was struck but managed to land safely at a nearby airport. This attack was of particular concern in that the missile struck the aircraft at an altitude of 15,000 feet—3,500 feet beyond the weapon's published maximum range. While this is not the first report of Stinger missiles reaching

this height, it is clear that aircraft travelling at an altitude believed to be out of the range of these weapons should be aware of this proven capability.

During the Soviet-Afghan War, the CIA working in conjunction with the Pakistani Army's Inter-Services Intelligence (ISI), delivered over 1,000 Stingers to Mujahideen rebels. While the rebels fired many of the missiles against Soviet aircraft, hundreds remained after the fighting ended in 1987. Poor bookkeeping at the CIA, combined with the dispersal of the weapons to numerous clans throughout the country, made accounting for and recovering them impossible. The result was a proliferation of advanced anti-aircraft weaponry throughout the region.

It is well-known that the rebels did not retain all of the Stingers left behind after the war. Many found their way onto the global grey and black arms markets and ended up in guerrilla arsenals from Sri Lanka to Chechnya. With a reported black market price of between US$80,000 and $250,000, Stingers represent a significant profit potential due in no small part to widespread demand.

Terrorist leader Osama bin Laden also reportedly possesses a number of MANPADs, including SA–7s and Stingers. As Bin Laden has both the financial resources and black market connections to make procurement possible, these reports are probably accurate. Persistent rumours also indicate that Bin Laden's personal bodyguards may be equipped with Stingers, ostensibly to counter an airborne attack.

Regardless of the veracity of the latter information, it is logical to assume that Bin Laden's Al-Qaeda ('The Base') network is in possession of additional MANPADs. If this is true, then Al-Qaeda represents the most significant threat to international civil aviation. Given Bin Laden's specific threats against U.S. citizens, this threat is especially relevant with regard to U.S.-owned airlines.

While the Russian military is certainly not confronted with the same threat level that it experienced in Afghanistan, the increased proliferation of MANPADs to Chechen rebels has dramatically increased the danger to close air support (CAS) aircraft operating in theatre. A number of aircraft have been shot down, including Su–25 'Frogfoot' and Su–24 'Pencer' fighter-bombers. MANPADs have also shot down a number of military helicopters.

The sources of Chechen MANPADs are varied. However, a large number of systems have been seized by Russian authorities, indicating that the rebels have established an effective pipeline for delivery. For example, three SA–7 missiles were found in the territory of Ingushetia near the Russian-Georgian border in September 2000. Just one month later, an unspecified number of SA–7s were discovered in a building near Severy airport. The following month a Russian military operation resulted in the seizure of four SA–7 missiles with their launchers from a lorry in Dagestan. A rebel spokesman later announced that the weapons were part of a shipment of arms destined for use in Chechnya. The shipment reportedly cost the Chechens $40,000.

Another report indicated that Bin Laden might have delivered as many as 50 Stinger missiles to the Chechens. The weapons were to have been transported from either Georgia or Azerbaijan and delivered in December 1999. Eight Stinger missiles were reportedly airdropped in the mountains of Sharoyskiy District on the night of 12–13 June 2001. The source of these weapons was not reported.

The primary MANPAD threat in the Western Hemisphere is their possible future use by the two main Colombian insurgent groups, the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia—FARC) and the National Liberation Army (Ejercito de Liberacion Nacional—ELN). Complicating analysis of the Colombia MANPAD situation is a plethora of false of misleading reporting.

Colombian electronic and print press outlets have regularly reported that both the FARC and ELN possess these missile systems. Government officials have also fanned this fire by issuing corroborating statements. These reports, both military and civilian, cumulatively suggest that the FARC currently possesses SA–7, SA–14 ''Gremlin'', SA–16 ''Gimlet'' and Redeye missiles. The Redeye missiles were variously reported to have come from Nicaraguan (former Contra) or Syrian arsenals and the SA-series weapons from various sources. There is no definitive evidence, however, to confirm that any Colombian guerrilla group currently possesses MANPADs of any type.

This misreporting is usually a matter of an honest mistake due to lack of familiarity with MANPADs, the Colombian situation may mask an ulterior motive. While the threat to the Colombian government from insurgent and narcotics trafficking groups is quite real, it is well-known that officials from that government have frequently overstated the sophistication of rebel groups in an effort to garner greater financial and political support from the USA. Given this history, it is possible that MANPAD events have occasionally been intentionally overstated.

According to Colombia expert Steven Salisbury, FARC commanders have admitted to possessing MANPADs. ''The FARC commanders who told me the FARC has shoulder-fired SAMs [surface-to-air missiles] were field commanders talking privately to me,'' he said. ''They said, yes, they have SAMs.'' This information given to Salisbury was corroborated by two FARC block commanders as well as other guerrillas.

Four additional factors must be highlighted. The first of these is that FARC commanders have stated that they do indeed possess MANPADs. The second is that both the FARC and ELN are known to be aggressively seeking these weapons. The third factor is that the guerrillas have received training on these weapons. In one instance, a Colombian government source stated that 25 guerrillas travelled to Nicaragua to attend an anti-aircraft course taught by former Sandanista soldiers. This course reportedly included MANPAD training as well as gunnery techniques involving 0.50-calibre heavy machine guns and the use of RPG–7s in the anti-air role. FARC members may also have travelled to Syria and Libya to receive similar training. Finally, both the FARC and ELN have the financial resources to make such a purchase possible.

With these factors in mind, it appears likely that the FARC will procure at least one type of MANPAD—if it has not done so already. Colombian guerrilla groups have had very little difficulty obtaining weapons for use in their war against the government. Well-established arms transit routes are in place to facilitate these shipments. The arms pipelines through which the FARC and ELN may obtain MANPADs run through the following countries Albania, Belgium, Ecuador, Jordan, North Korea, Peru, Romania, and Russia. Of specific concern is the Russian relationship, as the FARC and Russian mafias have a well-established arms-for-drugs pipeline in place. The Russian mafias have demonstrated the ability to obtain virtually any type of weapons system. If the Colombian guerrillas are to obtain these weapons, and have not been successful already, they will most likely come from this black market channel.

It must be noted that when the FARC obtains these weapons, it will almost certainly use them only in critical situations, such as the defence of important base camps or headquarters facilities. They will most likely not be used against drug-spraying aircraft or other non-threatening targets due to the high value of MANPADs to the FARC leadership.

If the FARC does indeed maintain a small inventory of these weapons, this is the most likely explanation for why they have not yet been employed. If employed, targets would most likely include Colombian Air Force CAS aircraft or possibly high-value civilian flights such as aircraft transporting senior government officials.

Hizbullah probably took its first delivery of MANPADs in 1982 with the acquisition of a small number of SA–7s. Reporting since that time indicates that these stocks were supplemented with PIM–92A Stingers in the mid-1990s, provided by Islamic Mujahideen rebels in Afghanistan. Most recently, the group may have received a small number of Chinese-made Qianwei ('Advanced Guard')—1 (QW–1) systems. If true, the acquisition of this latter system represents a significant upgrade in the surface-to-air capabilities of Hizbullah.

The Palestinian Authority also maintains a stock of SA–7 missiles and launchers. Reports also indicates that the Palestinians may have a small number of Stinger systems as well. The source of the SA–7 weapons is unclear, but it is possible some were delivered from Egypt aboard fishing boats, a common local method of arms smuggling.

For example, on 8 May 2001, Israeli security services intercepted the Lebanese-flagged vessel *Santorini* off the coast between Haifa and Tel Aviv. A search of the ship revealed a large quantity of arms, including 60 mm mortars, landmines, grenades, and four SA–7 missiles with launchers. The shipment was reportedly sent by the Palestinian Front for the Liberation of Palestine-General Command and intended for use by Palestinian militants. The MANPADS were confiscated by the Israelis and probably added to their own arsenal.

Apart from the Afghan Mujahideen, the Liberation Tigers of Tamil Eelam (LTTE) have enjoyed the greatest success with MANPADs. LTTE guerrillas have fired an estimated 20 missiles at government aircraft since 1996, shooting down three helicopters and probably two fixed-wing transports. These attacks killed a total of 179 personnel.

It is estimated that the LTTE possesses SA–7, SA–1a, and other MANPADs. One Chinese-built Hongying–5 (HN–5A) system was also discovered during government operations; however, there is no indication that the LTTE possesses additional units. It is possible that this weapon was procured from sources within the Burmese military.

In December 2000 Sri Lankan news carried video of a Tamil rebel holding what appeared to be a Stinger missile during an October operation against the Trincomalee naval facility. However, later analysis indicated this weapon was most probably a double barrelled 107 mm Katyusha rocket, believed to be a variant of the Chinese Type 63 107mm launcher, and not a MANPAD.

The LTTE reportedly acquired these weapons from a variety of sources. Press reports indicated that the Kurdistan's Worker's Party (PPK), working with the Greek 17 November terrorist organisation, sold 11 Stinger missiles to the LTTE in 1994. These weapons were reportedly built in Greece, which is a member of European consortium manufacturing PIM–92A/C Stinger systems under license from the USA. Other Stingers may have been sold or donated to the Tamils by the Afghan Taliban during the 1990s. LTTE

weapons buyers have also been reported in Cambodia and Thailand, reportedly seeking MANPADs Given the Tamils success with these weapons, it is likely that procurement efforts will continue.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this did not go through the Committee on the Judiciary and it is somewhat complicated and it appears to be overlapping and recreates and reauthorizations present law. For example under title XVIII, chapter 10 already criminalizes the use of biological weapons; chapter 11(b) criminalizes chemical weapons; chapter 39 criminalizes nuclear weapons; chapter 4 criminalizes the use of explosives, and on and on.

In addition, many of those, all of those offenses are predicates to 18 U.S.C. (a) 2332(b) which provides for the death penalty if death results from any violation of those statutes.

The only change appears to be a mandatory 30 years for attempts and conspiracies. There is no differentiation for a role in a conspiracy, relative knowledge of the crime, or even if death were an accident that had not been intended. What we have is new mandatory minimums.

We have, in the Committee on the Judiciary, often cited many findings and recommendations from researchers, sentencing professionals, even the judicial branch, justices on the Supreme Court, including the chief justice, citing problems created by mandatory sentences. They have been found to be a waste of money compared to alternatives such as treatment or traditional sentencing. They disrupt the ability of the Sentencing Commission and the courts to apply an orderly, proportional, nondisparate sentencing system. They discriminate against minorities and they transfer an inordinate amount of discretion to prosecutors in an adversarial system.

Mandatory minimum sentences increase disparities in sentencing because they do not allow distinctions between major players and bit players in a crime. In a recent letter to the subcommittee, the U.S. Judicial Conference, headed by the chief justice of the Supreme Court, noted and I quote: In addition to resulting in unwarranted sentencing disparities, mandatory minimums often lead to treatment of dissimilar offenders in a similar manner by requiring courts to impose the same sentence on offenders, when sound policy and common sense call for reasonable differences in punishment to reflect differences in the seriousness of the conduct or danger to society.

In other words, mandatory minimums violate common sense. That is the chief justice and the U.S. Judicial Conference.

Mr. Chairman, this bill, the underlying bill, is a reorganization bill. We should not include controversial criminal penalties, especially when the Judicial Conference headed by the chief justice tells us that these things violate common sense. We also need to study the international implications of this, because when we add in the death penalty, we add in complications of international cooperation. Most countries around the world do not have the death penalty and we have had problems where they would not even extradite criminals to the United States because we have all of these death penalties.

We need to study this, and having a floor amendment is not the appropriate way to legislate. Mr. Chairman, I would hope that we would defeat this amendment.

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

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

Mr. Chairman, the several very important articles in my added materials that I have submitted speak not only to the threat to the United States, but also the reality of the groups who were engaged in the transfer, the trafficking of shoulder-fired missiles, of weapons of mass destruction, in terms of viruses that could be placed in the United States of America.

Mr. Chairman, I respect the gentleman for not liking the minimum mandatory sentences. I would also say that it is up to this body, Mr. Chairman, to make sure that we provide the tools necessary to the Attorney General and other U.S. attorneys who may be prosecuting these cases, to give to the frontline agents and investigators those abilities to find and stop those people who are perpetrators of crime, mass murder against the United States of America.

Most of all, I would remind this body how important it is to make sure that we keep terrorism away from our doorsteps. I believe in effective law enforcement, effective use of the laws of this country, and making sure that we have looked at this from the perspective of the Attorney General of the United States and U.S. attorneys across this country who support this important legislation.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just point out that we already have in the Code serious penalties for all of these crimes. The appropriate way to legislate would be to go through the committee so that we could see exactly how these fit into the present sentencing scheme. I would hope that we defeat the amendment.

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

Mr. SESSIONS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I believe that the Members of this body understand that there is a need to make sure that we protect this country and the laws of this country. We have consulted with the Attorney General of the United States and other U.S. attorneys who are asking for this. I support this amendment. I believe it will help the President of the United States to ensure the safety of our country.

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

The CHAIRMAN pro tempore (Mr. KOLBE). The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

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

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SESSIONS) will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. BONILLA

Mr. BONILLA. 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. 6 offered by Mr. BONILLA:

At the appropriate place in the bill, insert the following (and redesignate provisions and amend the table of contents accordingly):

**SECTION _____. INCREASE IN DETENTION BED SPACE.**

Subject to the availability of appropriated funds, the Secretary of Homeland Security shall increase by not less than 2,500, in each of fiscal years 2006 and 2007, the number of beds available for immigration detention and removal operations of the Department of Homeland Security above the number for which funds were allotted for the preceding fiscal year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Texas (Mr. BONILLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

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

First, let me compliment the committees who put this bill together. They have done a great job facing very complicated circumstances. Specifically, they did a very good job about increasing the Border Patrol staff, that we need to deal with the increased flow of illegal immigration along the southwest border, along with other Federal agents that are necessary to do the job.

Unfortunately, there was an oversight in the bill in providing bed space for the people that we catch. Let me point out as well that the overwhelming number of them now are categorized as they are by the Border Patrol as OTMs, ''other than Mexicans,'' people trying to enter our country that have figured out a different way to come in versus the ports of entry on either coast or using other means.

Mr. Chairman, in many cases the OTMs, are now arrested, processed, interrogated and released into communities because the Department of Homeland Security does not have

enough bed space. So, believe it or not, in Texas alone, since January, there have been over 15,000 OTMs released in communities throughout the State in the neighborhood. They might have been introduced into any neighborhood in Texas, no matter where one lives.

Mr. Chairman, this is an outrage. Homeland Security claims the problem is bed space, so in this amendment we deal with that problem, calling for 2,500 additional bed spaces in 2006 and another 2,500 in 2007.

This is an amendment that is supported by the gentleman from California (Mr. COX), Chairman of Homeland Security. It is also supported by the gentleman from Texas (Mr. ORTIZ), my good friend, who represents an area near the Mexican border and the Gulf Coast in Texas and who has been working very hard on this issue.

Mr. Chairman, this is a nonpartisan issue. We have strong support by other members of the committees working on this. The gentleman from Texas (Mr. SMITH), my good colleague and friend from San Antonio and central Texas area, has been working hard on this issue as well. This is also something that is supported by, again no matter what ethnic group or political party one belongs to, especially on the southwest border. There is strong support by the mayors, the county judges, the county commissioners that are working very hard to deal with this illegal immigration problem every day.

Finally, Mr. Chairman, I would like to just single out the wonderful Border Patrol agents that are patrolling day and night, sometimes working with fewer resources than they should have, and doing a great job of patrolling the border. Help is on the way for them in terms of manpower and hopefully this amendment, when adopted, will provide the bed space as well to house the illegal aliens that are coming across our border and taking advantage of what we now have along the Mexican border.

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

Mr. TURNER of Texas. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I support the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER of Texas. Mr. Chairman, there is no example any better of the failure of the administration to make America safe than is illustrated by the amendment offered by my colleague from Texas today. What the amendment says is that we need 2,500 more bed spaces so that we can end this deplorable, unacceptable practice of catching illegal immigrants who come across our borders every day from countries other than Mexico and seeing them immediately released into our country, knowing that 80 to 90 percent of them will never show up again for a deportation hearing.

Mr. Chairman, it is a practice that must end, but our administration has allowed this to go on for year after year after year. And it is very unfortunate, even though I appreciate greatly the intent expressed by the gentleman from Texas (Mr. BONILLA), my colleague, it is very unfortunate that all the amendment does is direct the Department of Homeland Security to somewhere in their budget find the money for an additional 2,500 beds so we can end this practice that represents a serious threat to the security of our country.

The truth of the matter is the gentleman from Texas is on the Committee on Appropriations, and when we look at what the Committee on Appropriations did to try to help solve this problem, all they did was what the President asked for. He asked for 117 additional bed spaces, when the President knows that even today we have only appropriated money to hold 1,944 detainees who cross the border illegally every day and we are holding 22,500. We are stretched to the limit now.

As the gentleman from Texas (Mr. BONILLA) points out, we need at least 2,500 more and probably 5,000 more beds, which is provided for in his amendment but not funded.

Nowhere is the gap between the rhetoric of the administration on protecting America and the reality of the failure to protect America any clearer than it is right here.

The Democrats on the House Committee on Homeland Security did a 6-month investigation of the problems of our border. We produced a report entitled Transforming the Southern Border. It pointed out a lot of interesting facts, one of which is the one we are discussing. As our staff traveled along the Rio Grande south of El Paso, we took this picture. What it shows is a cargo van backed up to a school bus just across the border inside the United States, along with an 18-wheeler, another cargo van, and another school bus.

As the staff flew over, nobody was to be seen who would be a part of our Border Patrol. So they called into the Border Patrol to tell them about this suspicious-looking activity. When they flew back over, the bus and the van and all the vehicles were gone. We do not know if they were exchanging illegal immigrants, illegal goods, narcotics, or nuclear weapons.

As the 9/11 Commission said, our borders are porous and we must remedy this problem. But to do so it is going to take more than rhetoric.

Mr. Chairman, when we look at what we are spending on homeland security today, we are spending $20 billion more than we did in the year of 9/11. That is a lot of money, but maybe not in an $850 billion discretionary budget. But last year alone, while we had increased homeland security spending, $20 billion, the richest 1 percent of Americans, those making over a million dollars, got four times the tax relief, almost $90 billion.

The reality is that we have made the wrong choice. We have failed to make America safe. And when illegal immigrants can come across our borders in the numbers that they are coming, last year alone 25,000 illegal immigrants were actually caught coming across our border from places other than Mexico. Every year there is close to a million that get across that are caught. No telling how many are not caught. But of those 25,000, because we did not have the detention space, the jail space to hold them, 80 to 90 percent of them never showed up because the 25,000 were given a free pass into America, released on personal bond.

Mr. Chairman, it does not surprise anybody that 80 to 90 percent of those 25,000 never show up. They are in our country today. This failure to protect America is inexcusable. I think we have got to stop it.

Mr. Chairman, I think I will vote for the amendment offered by my colleague, but I want to point out that we failed to fund the very issue he raises.

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

Mr. BONILLA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would yield to the gentleman from Texas (Mr. TURNER) for a quick question.

Mr. Chairman, did the gentleman acknowledge in the end that he would vote for the amendment? I wanted to understand that clearly.

Mr. TURNER of Texas. Mr. Chairman, if the gentleman would yield, yes, I will vote for the amendment because I believe it is based on a sincere intent to solve a serious problem. But I was simply pointing out that it provides no funding. The gentleman's Committee on Appropriations only provided funding for 117 beds in next year's budget and there is no money to do what is provided for in this amendment. To simply direct the department to take it out of their hide is simply unrealistic.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman from Texas for his answer.

I wanted to reiterate that in spite of the rhetoric that was just heard from the gentleman from Texas (Mr. TURNER), my colleague, he is supporting the amendment. I am delighted to hear that.

The gentleman makes a lot of good points about problems that the Department of Homeland Security has faced over the last couple of years. I agree with the gentleman. That is why I am here trying to do something about it.

But, again, in spite of the rant that we just heard about how bad the problem is, and I can assure the gentleman that I have probably delivered the same remarks in my district, and here in Washington as well, about the problems that the Department of Homeland Security is facing, but ultimately we are all here to try to do something about it.

So I would hope that the gentleman would not only vote for the amendment, as he has indicated he will, but also tell his friends that we need this help for our good agents that are patrolling the border and for all of us who are trying to do something about it.

Mr. COX. Mr. Chairman, I am proud to rise in support of this amendment. Congressman BONILLA's amendment seeks to increase alien detention bed space by 2,500 beds per year for fiscal years 2006 and 2007. It is a very simple provision, but it will have a material impact on improving the security of our homeland and discouraging illegal immigration.

In order to have a successful border security strategy, it must be balanced. That is why this amendment is so important. There are other provisions in H.R. 10 that will increase staffing levels for the Border Patrol and ICE investigators. These, too, are important initiatives and will result in many more illegal aliens and immigration violators being apprehended. But in order to make the best use of these new assets, we must have adequate facilities to detain those additional immigration violators who are caught, especially those considered high-risk or in mandatory detention categories.

The Department of Homeland Security's Detention and Removal Office, or DRO, is currently authorized to fund approximately 19,000 detention beds. However, they consistently hold over 22,000 illegal aliens each day in facilities around the Nation. In the first year, this amendment would increase available bed space to meet the minimum demand and then would go above that in FY 2007 to provide additional detention resources to meet the expected demand that these other new border control initiatives will create.

It is a well-known fact that the majority of aliens not detained and released, pending an immigration hearing, never return for their scheduled hearing but seek instead to melt into U.S. communities. There are approximately 300,000 non-citizens in the United States who have received deportation orders, but who have not left the country. There is no doubt that more of these individuals would have left the country if they had been detained in the beginning.

Approximately 50 percent of DRO detainees are Mexicans, but there is a growing number of individuals from different countries, called "other than Mexicans" or OTMs. Less is known about their motivation for coming to the U.S., and I have serious concerns about individuals illegally entering America who originally are from countries of interest with respect to terrorism. We must have the resources to detain these individuals to guarantee that we have an opportunity to verify their identity and motives, and that they are deported if necessary.

In order to monitor more of the individuals that are released, DRO utilizes alternative methods of detention. This includes release on recognizance, release on bond, electronic monitoring devices (EMD), and the Intensive Supervision Appearance Program (ISAP). While these alternative methods are appropriate and responsible initiatives, it is essential that we have sufficient detention bed space for high-risk individuals, those with criminal records, and repeat immigration violators.

As Chairman of the Select Committee on Homeland Security, I would like to thank Mr. BONILLA for offering this critical amendment and request the support of my colleagues in ensuring passage. Thank you, Mr. Speaker, and I yield back the remainder of my time.

Mr. SMITH of Texas. Mr. Chairman, thousands of illegal aliens pour over our southern border each day. A significant number of these aliens are not Mexican, and cannot simply be sent back over the border.

Border Patrol agents must process aliens from countries other than Mexico and are forced to release them into our communities pending a hearing. This is because there is not enough bed space in our detention facilities.

When illegal aliens are released pending a hearing, it is estimated that 85 percent will never be heard from again.

This process has become known as the "catch and release" program, and it threatens our national security.

The Department of Homeland Security recently reported that from October through June over 44,000 non-Mexican aliens were apprehended on the southern border from countries such as Afghanistan, Algeria, Egypt, Iran, Pakistan, Saudi Arabia, and Syria.

The hard work of our Border Patrol agents is wasted when we do not have enough detention space.

The Bonilla amendment would help correct this problem by authorizing an increase of 2,500 detention bed spaces for each of the next two years.

The lack of detention space has reached a crisis.

Every day we are releasing aliens from dozens of countries into our communities. We don't know if these individuals are criminals or terrorists.

The Bonilla amendment curtails the catch and release program on our southern border. It lets the U.S. detain illegal immigrants who enter our country rather than release them in our communities.

Mr. ORTIZ. Mr. Chairman, I rise in support of the amendment by my friend from Texas, and the co-chair of the House Border Caucus, Mr. BONILLA.

Let me begin by thanking the gentleman for his hard work to find a way to stop the current "catch and release" policy propounded by this government . . . by releasing many of the illegal immigrants we are catching into the U.S. population. This is frightening for all of us.

Now, the basis for this "catch and release" policy is a lack of beds for the Department of Homeland Security to hold these illegal immigrants from countries other than Mexico (OTMs). The gentleman's amendment today specifically addresses this shortcoming and I join him in advocating it to the House.

We are apprehending an alarming number of OTMs with not enough space to detain them—forcing us to release them into our community—we need additional beds. The gentleman's amendment is certainly a good beginning and I am grateful for his efforts to end this policy.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MRS. CAPITO

Mrs. CAPITO. 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. 7 offered by Mrs. CAPITO:

At the end of title II add the following:

**Subtitle J—Railroad Carriers and Mass Transportation Protection Act of 20004**

**SEC. 2111. SHORT TITLE.**

This subtitle may be cited as the "Railroad Carriers and Mass Transportation Protection Act of 2004".

**SEC. 2112. ATTACKS AGAINST RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS.**

(a) IN GENERAL.—Chapter 97 of title 18, United States Code, is amended by striking sections 1992 through 1993 and inserting the following:

**"§ 1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air**

"(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly—

"(1) wrecks, derails, sets fire to, or disables railroad on-track equipment or a mass transportation vehicle;

"(2) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, and without the authorization of the railroad carrier or mass transportation provider—

"(A) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment or a mass transportation vehicle; or

"(B) releases a hazardous material or a biological agent or toxin on or near any property described in subparagraph (A) or (B) of paragraph (3);

"(3) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

"(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, without the authorization of the railroad carrier, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck railroad on-track equipment;

"(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, without the authorization of the mass transportation provider, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider; or

"(4) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal, without authorization from the railroad carrier or mass transportation provider;

"(5) with intent to endanger the safety of any person, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, or maintaining railroad on-track equipment or a mass transportation vehicle;

''(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on property described in subparagraph (A) or (B) of paragraph (3), except that this subparagraph shall not apply to rail police officers in acting the course of their law enforcement duties under section 28101 of title 49, United States Code;

''(7) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt that was made, is being made, or is to be made, to engage in a violation of this subsection; or

''(8) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (7);

shall be fined under this title or imprisoned not more than 20 years, or both.

''(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) of this section in a circumstance in which—

''(1) the railroad on-track equipment or mass transportation vehicle was carrying a passenger or employee at the time of the offense;

''(2) the railroad on-track equipment or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense;

''(3) the railroad on-track equipment or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

''(A) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations; and

''(B) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations; or

''(4) the offense results in the death of any person;

shall be fined under this title or imprisoned for any term of years or life, or both. In the case of a violation described in paragraph (2) of this subsection, the term of imprisonment shall be not less than 30 years; and, in the case of a violation described in paragraph (4) of this subsection, the offender shall be fined under this title and imprisoned for life and be subject to the death penalty.

''(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A circumstance referred to in subsection (a) is any of the following:

''(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider or railroad carrier engaged in or affecting interstate or foreign commerce.

''(2) Any person travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

''(d) DEFINITIONS.—In this section—

''(1) the term 'biological agent' has the meaning given to that term in section 178(1);

''(2) the term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of less than 2½ inches in length and a box cutter;

''(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4);

''(4) the term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;

''(5) the term 'hazardous material' has the meaning given to that term in chapter 51 of title 49;

''(6) the term 'high-level radioactive waste' has the meaning given to that term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

''(7) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, except that the term includes school bus, charter, and sightseeing transportation;

''(8) the term 'on-track equipment' means a carriage or other contrivance that runs on rails or electromagnetic guideways;

''(9) the term 'railroad on-track equipment' means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

''(10) the term 'railroad' has the meaning given to that term in chapter 201 of title 49;

''(11) the term 'railroad carrier' has the meaning given to that term in chapter 201 of title 49;

''(12) the term 'serious bodily injury' has the meaning given to that term in section 1365;

''(13) the term 'spent nuclear fuel' has the meaning given to that term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

''(14) the term 'State' has the meaning given to that term in section 2266;

''(15) the term 'toxin' has the meaning given to that term in section 178(2); and

''(16) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

(A) by striking ''**RAILROADS**'' in the chapter heading and inserting ''**RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR**'';

(B) by striking the items relating to sections 1992 and 1993; and

(C) by inserting after the item relating to section 1991 the following:

''1992. Terrorist attacks and other violence against railroad carriers and against mass transportation systems on land, on water, or through the air.''.

(2) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 97 and inserting the following:

**''97. Railroad carriers and mass transportation systems on land, on water, or through the air ..... 1991''**.

(3) Title 18, United States Code, is amended—

(A) in section 2332b(g)(5)(B)(i), by striking ''1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems),'' and inserting ''1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),'';

(B) in section 2339A, by striking ''1993,''; and

(C) in section 2516(1)(c) by striking ''1992 (relating to wrecking trains),'' and inserting ''1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentlewoman from West Virginia (Mrs. CAPITO) and the gentleman from Virginia (Mr. SCOTT) each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia (Mrs. CAPITO).

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

Mr. Chairman, I would like to begin by thanking the gentleman from Wisconsin (Chairman SENSENBRENNER) the Committee on Rules, the Departments of Justice and Transportation, the Subcommittee on Railroads of the Committee on Transportation and Infrastructure, and the many others who are supporting me in this initiative.

Mr. Chairman, in the wake of the September 11th attacks, as well as the recent bombing of four commuter trains in Madrid, Spain, the need for stronger criminal laws to deal with terrorists and other violence has never been stronger. Intelligence reports last spring indicate that some terrorists might try to bomb U.S. rail lines or buses in major U.S. cities. We have also heard reports of so-called ''dirty bombs'' that can be easily transported over our extensive mass transportation system.

Mr. Chairman, I do not have to remind anyone in this body of the potential loss of life and disruption to our economy and way of life from this modern new threat.

In order to help meet this threat head on, I have introduced an amendment that revises, enhances, and consolidates two Federal criminal law statutes into one comprehensive statute in order to deter and more effectively punish terrorist acts against railroad carriers and other mass transportation providers.

Specifically, under current Federal criminal law, terrorist acts against railroad carriers are prosecuted under the so-called ''Wrecking Trains'' statute which was enacted in 1940. This statute is in many ways outdated, full of gaps and inconsistencies, and quite literally inadequately addresses modern threats like radioactive materials or biological agents.

Additionally, the September 11 attacks on our homeland gave rise to the creation of another Federal criminal statute which covers terrorist acts against mass transportation systems. By combining these two statutes to cover all forms of transportation and railway carriers, we can introduce more consistency, predictability, and effectiveness into Federal prosecutorial powers.

First, it would reduce our criminal law's vulnerability to bogus legal claims and also prevent prosecutors from having to prosecute for lesser offenses because of discrepancies or gaps in the current law. Richard Reid, known as the Shoe Bomber, was actually able to have a charge against him

dismissed because the new mass transportation statute did not explicitly define an airplane as a vehicle for purposes of prosecuting under the statute. My amendment will prevent oversights like this from happening.

Secondly, my amendment will bring more consistent and uniform protections to all modes of railroad carriers and mass transportation providers.

Third, my amendment will expand the jurisdictional reach of criminal law to cover more offenses, such as the release of biological agents or radioactive material, and cover more property if the prohibited conduct affects interstate commerce or travel, or communicating, or transporting prohibited materials across State lines.

Fourth, my amendment will make capital punishment an option under aggravating circumstances that involve terrorist acts that result in the death of a person. If our jurisdictional system is unable to have this tool at their disposal in order to meet the new threats that terrorism has brought upon us, then we will lose a critical opportunity to deter and prevent more terrorism from happening.

And fifth, my amendment protects all law enforcement, railroad carriers, and mass transportation providers from criminal liability if they are performing their duties in the course of lawful and authorized activities. In other words, my amendment protects conduct that should be protected, but does not protect conduct that should not be protected such as terrorist or imposters posing as rail or mass transportation employees.

Mr. Chairman, overall, Congress has taken dramatic steps in the last 3 years to improve our security here and abroad, but there is more work to be accomplished. I strongly urge passage of this amendment to H.R. 10.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is a 10-page amendment with mandatory minimum sentences, mandatory sentences of life imprisonment, and a death penalty provision. It has not been considered by any subcommittee or the full Committee on the Judiciary, and I am not sure it has even been considered by the Committee on Transportation and Infrastructure. We have information that the Committee on Transportation and Infrastructure has not considered it and, in fact, may not support it.

It appears to make, but it is not clear whether conspiracies, attempts and threats are subject to the same penalties as the underlying offense. Not only have these provisions not been considered by the appropriate committees of jurisdiction, but because of the mandatory minimum sentences, neither sentencing experts nor judges on the U.S. Sentencing Commission who have the responsibility to assure a rational and proportional sentencing system, nor any Federal judge who would review all the facts and circumstances of the case, will get to assess whether or not these sentences make any sense.

Mr. Chairman, I remind my colleagues that the Judicial Conference has written a letter saying that these mandatory minimums violate common sense, and yet here we are asked to decide in a 5-minute debate whether or not they are appropriate in this case.

Mr. Chairman, the author of the amendment indicates that we are trying to conform one code section to another. I would ask that we do that when we consider the code sections. We are going to consider the PATRIOT Act. That is one of the code sections involved. And the time to consider the PATRIOT Act and amending the PATRIOT Act is when we have the PATRIOT Act before us; not when we are doing a reorganization bill without any serious committee of jurisdiction considering the underlying amendment.

I say again, Mr. Chairman, when we have death penalty, that makes life complicated from an international point of view. We may have terrorists who are caught in another country. We cannot get them extradited because of all of these death penalties and we need to consider that.

We have heard that the Shoe Bomber was complicated as to which code section he was under. We have an easy case for attempted murder, plain and simple. It gives life imprisonment. Certainly the death penalty, if he had completed the act, would not have made any sense. The death penalty for a suicide bomber is obviously not going to be much of a deterrent.

Mr. Chairman, I would hope that we would consider all the implications and not adopt this amendment at this time.

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

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

Mr. Chairman, I appreciate the comments of the gentleman from Virginia (Mr. SCOTT). I would like to say that in working through this amendment, we did work with the Committee on the Judiciary and the Committee on Transportation and Infrastructure. We are also trying to reform an act here, the 1940 Wrecking Trains statute, that is sorely outdated and full of gaps. When it was conceived, there was no conception of a terrorist bombing on mass transportation. I think we know, obviously from the events in Spain, that that is a very real possibility in terms of acts of terrorism.

Mr. Chairman, the purpose of my amendment is to not only pull that 1940s Wrecking Train statute into the modern era, but also to combine it with other mass transportation sections so that not only the deterrent but the prosecutorial powers are available to our prosecutors to be able to use the most stringent and severe punishments that could possibly be available to try to use as a deterrent to terrorism.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in 2001, we considered this provision when we put it in the PATRIOT Act. It was inconsistent with an older version. We need to consider whether we want to conform the law to the newer version or to the older version. That is why we have committees, so we can assess what the appropriate punishment is.

Mr. Chairman, 5-minute debates on the floor without committee consideration does not give us that opportunity. I would hope that we would delay consideration of this by defeating the amendment and consider the issue when we do the PATRIOT Act.

Mr. Chairman, I would ask the gentlewoman from West Virginia whether or not conspiracies, attempts, and threats are subject to the same penalties as the underlying offense.

□ 1000

Mrs. CAPITO. Mr. Chairman, will the gentleman yield?

Mr. SCOTT of Virginia. I yield to the gentlewoman from West Virginia.

Mrs. CAPITO. I think there is a lot of prosecutorial discretion in the bill, and I think that would probably be left up to the prosecutor.

Mr. SCOTT of Virginia. Reclaiming my time, I would say again, you have mandatory minimums in the bill which would not give anybody any flexibility, and if a conspiracy attempt and threat are subject to the same mandatory minimums as actually completing the crime, that would be something that we would want to consider. It is just not clear.

If the gentlewoman wants time to respond, I will give her time.

Mrs. CAPITO. In terms of the death penalty, I think that is definitely at the discretion of the prosecutor, and there are two sets of offenses there. One is a 20-year and one is a 30-year minimum, and I think that is also at the discretion of the prosecutors. That is my understanding.

Mr. SCOTT of Virginia. Reclaiming my time, I would hope we would defeat the amendment.

The CHAIRMAN pro tempore (Mr. KOLBE). All time has expired.

The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

Mr. HOEKSTRA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. CAPITO) having assumed the chair, Mr. KOLBE, 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.

MAKING IN ORDER AMENDMENTS EN BLOC DURING FURTHER CONSIDERATION OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. HOEKSTRA. Madam Speaker, I ask unanimous consent that during further consideration in the Committee of the Whole of H.R. 10 pursuant to House Resolution 827 that it be in order at any time for the chairman of the Permanent Select Committee on Intelligence or a designee to offer amendments en bloc consisting of any of the amendments numbered 9, 16, 18, 20, and 22 printed in the House Report 108–751; that amendments en bloc pursuant to this order may be considered as read, be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence or their designees, not be subject to amendment and not be subject to a demand for a division of the question in the House or in the Committee of the Whole; and that the original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

The SPEAKER pro tempore. 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 further consideration of the bill, H.R. 10.

□ 1002

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. KOLBE (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, amendment No. 7 printed in House Report 108–751 by the gentlewoman from West Virginia (Mrs. CAPITO) had been disposed of.

Pursuant to the order of the House of today, it shall be in order at any time for the chairman of the Permanent Select Committee on Intelligence or a designee to offer amendments en bloc consisting of any of the amendment numbers 9, 16, 18, 20, and 22 printed in House report 108–751.

The amendments en bloc shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the chairman and the ranking minority member of the Permanent Select Committee on Intelligence or their designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of the amendment included in the amendments en bloc may insert a statement in the Congressional RECORD immediately before disposition of the amendments en bloc.

It is now in order to consider amendment No. 8 printed in House Report 108–751.

AMENDMENT NO. 8 OFFERED BY MR. CARTER

Mr. CARTER. 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. 8 offered by Mr. CARTER:

At the end of title II insert the following:

**Subtitle J—Terrorist Penalties Enhancement Act of 2004**

**SEC. 2221. SHORT TITLE.**

This subtitle may be cited as the ''Terrorist Penalties Enhancement Act of 2004''.

**SEC. 2222. PENALTIES FOR TERRORIST OFFENSES RESULTING IN DEATH; DENIAL OF FEDERAL BENEFITS TO TERRORISTS.**

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

**''§ 2339E. Terrorist offenses resulting in death**

''(a) Whoever, in the course of committing a terrorist offense, engages in conduct that results in the death of a person, shall be punished by death or imprisoned for any term of years or for life.

''(b) As used in this section, the term 'terrorist offense' means—

''(1) a Federal felony offense that is—

''(A) a Federal crime of terrorism as defined in section 2332b(g) except to the extent such crime is an offense under section 1363; or

''(B) an offense under this chapter, section 175, 175b, 229, or 831, or section 236 of the Atomic Energy Act of 1954; or

''(2) a Federal offense that is an attempt or conspiracy to commit an offense described in paragraph (1).

**''§ 2339F. Denial of Federal benefits to terrorists**

''(a) An individual or corporation who is convicted of a terrorist offense (as defined in section 2339E) shall, as provided by the court on motion of the Government, be ineligible for any or all Federal benefits for any term of years or for life.

''(b) As used in this section, the term 'Federal benefit' has the meaning given that term in section 421(d) of the Controlled Substances Act, and also includes any assistance or benefit described in section 115(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, with the same limitations and to the same extent as provided in section 115 of that Act with respect to denials of benefits and assistance to which that section applies.''.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, is amended by adding at the end the following new items:

''2339E. Terrorist offenses resulting in death.
''2339F. Denial of federal benefits to terrorists.''.

(c) AGGRAVATING FACTOR IN DEATH PENALTY CASES.—Section 3592(c)(1) of title 18, United States Code, is amended by inserting ''section 2339E (terrorist offenses resulting in death),'' after ''destruction),''.

**SEC. 2223. DEATH PENALTY IN CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994.**

Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994, (Public Law 103–322), is amended, as of the time of its enactment, by adding at the end the following:

''(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), but after the enactment of the Antihijacking Act of 1974 (Public Law 93–366), it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term 'especially heinous, cruel, or depraved', as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language 'in that it involved torture or serious physical abuse to the victim', and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.''

Conform the table of sections accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

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

Mr. Chairman, today I offer an amendment, the Terrorist Penalties Enhancements Act, which will provide new and expanded penalties to those who commit fatal acts of terrorism.

Since September 11, Federal and State officials continue to work hard to prevent further terrorist attacks on U.S. soil. However, despite some changes to the law to increase penalties after deadly terrorist attacks, a jury is still denied the ability to consider a death sentence or life imprisonment for a terrorist in many cases, even when the attacks result in death and the court believes it is necessary to prevent further harm to our citizens.

For example, in the case in which a terrorist causes massive loss of life by sabotaging a nuclear power plant or a national defense installation, there would be no possibility of imposing the death penalty under the statutes defining these offenses because they contain

no death penalty authorizations. In contrast, dozens of other Federal violent crime provisions authorize up to life imprisonment or the death penalty in cases where victims are killed. Because the potential tragedy here is so great, we must hope that changing this law to allow a sentence of death or life imprisonment will serve as a deterrent to would-be terrorists. It is one more tool in our arsenal.

Mr. Chairman, hearings have been held on this straightforward legislation, and it has been agreed to by the House Committee on the Judiciary. It will make terrorists who kill eligible for the Federal death penalty. This legislation will also deny these same terrorists any Federal benefits they otherwise may have been eligible to receive. These Federal benefits denied include Social Security, welfare, unemployment and food stamps.

As a former State District Judge for over 20 years, I have presided over five capital murders trials, three of which resulted in the death penalty. I understand the gravity of seeking and imposing the death penalty. However, from my experience, I believe the death penalty is a tool that can deter acts of terrorism and can serve as a tool for prosecutors when negotiating sentences.

I am pleased that President George Bush expressed his support for this legislation. In a speech to the FBI Academy, President Bush said, ''For the sake of American people, Congress should change the law and give law enforcement officials the same tools they have to fight terror that they have to fight other crime.''

In Hershey, Pennsylvania, President Bush reemphasized the inequity in current law. President Bush said, ''We ought to be sending a strong signal: If you sabotage a defense installation or a nuclear facility in a way that takes an innocent life, you ought to get the death penalty, the Federal death penalty.''

This legislation today puts all would-be terrorists on notice that they will receive ultimate justice should they decide to plan and execute a future attack.

Mr. Chairman, I urge my colleagues to support this legislation.

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

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this bill creates 23 new death penalties, making all Federal crimes of terrorism punishable by death. We would remind people that a 23-year study of over 4,500 death penalty cases found reversible error in 68 percent of the cases. We suspect that approximately 100 people in the last 10 years have been wrongfully executed. This burden falls disproportionately on minorities.

So when you talk about a strong signal, the signal, I guess, is you put people to death because, well, they might have been guilty. We know in the end the death penalty will not deter suicide bombers from completing their crimes. Furthermore, we have the problem of international law, the fact that most countries in the world, particularly our allies, do not have the death penalty and will not extradite criminals to the United States if they will be subject to the death penalty.

One of the problems with the Federal crimes of terrorism is that it is somewhat vague. It could include some kind of a political protest. The death could occur by accident. It was not even intended. Somebody got trampled in the protest, for example, and here you are talking about the death penalty. But because it includes not only completing the crime and killing somebody, it includes support for someone. You might want to rename this the ''Put Mama to Death Bill.'' If a mother harbors her son, lets him stay at home, she would then become and everybody in the family becomes subject to the death penalty.

Mr. Chairman, this has nothing to do with reorganization of the intelligence community. I would hope that we would reserve judgment on this and consider this bill and others when we consider the Patriot Act.

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

Mr. CARTER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, it is simple. We must do everything we can to stop terrorists, and that starts with ensuring that all terrorist acts are punished swiftly and severely. This amendment sends a clear message that we take terrorism seriously; that we understand that terrorist acts are not really crimes, they are combat; that on 9/11 we were not merely assaulted, we were invaded; and when there is combat, when terrorists invade our soil in deadly fashion, we will punish those responsible with the heaviest possible penalties. To do less would be a disservice to those who have lost their lives and would send a signal of softness to those who still seek our destruction.

I was proud to work with the gentleman from Texas (Mr. CARTER) on this subject. I commend him for carrying it forward. It is important work. It is good work that he is doing. I urge my colleagues to support this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that we will be considering the Patriot Act. I would hope that we would consider this legislation as part of that.

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

Mr. CARTER. Mr. Chairman, I urge my colleagues to support this amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

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

Mr. CARTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. CARTER) will be postponed.

AMENDMENT EN BLOC OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, pursuant to the unanimous consent agreement, I offer the amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. HOEKSTRA consisting of amendments numbered 9, 16, 18, 20 and 22:

AMENDMENT NO. 9 OFFERED BY MR. CASTLE

At the end of the bill, insert the following new section:

**SEC. 5___. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DISCOURAGE THE DONATION OF FIRE EQUIPMENT TO VOLUNTEER FIRE COMPANIES.**

(a) SHORT TITLE.—This section may be cited as the ''Good Samaritan Volunteer Firefighter Assistance Act of 2004''.

(b) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death proximately caused by the equipment after the donation.

(c) EXCEPTIONS.—Subsection (b) does not apply to a person if—

(1) the person's act or omission proximately causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(d) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (c) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(e) DEFINITIONS.—In this section:

(1) PERSON.—The term ''person'' includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term ''fire control or fire rescue equipment'' includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term ''State'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term ''volunteer fire company'' means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that

association or in the nearest such association with an entry level full-time paid individual.

(f) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (b), is donated on or after the date that is 30 days after the date of the enactment of this Act.

(g) ATTORNEY GENERAL REVIEW.—

(1) IN GENERAL.—The Attorney General of the United States shall conduct a State-by-State review of the donation of firefighter equipment to volunteer firefighter companies during the 5-year period ending on the date of the enactment of this Act.

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General of the United States shall publish and submit to the Congress a report on the results of the review conducted under paragraph (1). The report shall include, for each State, the most effective way to fund firefighter companies, whether first responder funding is sufficient to respond to the Nation's needs, and the best method to ensure that the equipment donated to volunteer firefighter companies is in usable condition.

AMENDMENT NO. 16 OFFERED BY MR. BARTON OF TEXAS

After section 5010 insert the following new section:

**SEC. 5011. DIGITAL TELEVISION CONVERSION DEADLINE.**

(a) FINDINGS.—The Congress finds the following:

(1) Congress granted television broadcasters additional 6 MHz blocks of spectrum to transmit digital broadcasts simultaneously with the analog broadcasts they transmit on their original 6 megahertz blocks of spectrum.

(2) Section 309(j)(14) of the Communications Act of 1934 requires each television broadcaster to cease analog transmissions and return 6 megahertz of spectrum by December 31, 2006, or once just over 85 percent of the television households in that broadcaster's market can view digital broadcast television channels using a digital television, a digital-to-analog-converter box, cable service, or satellite service, whichever is later.

(3) Twenty-four megahertz of spectrum currently occupied by the television broadcasters has been earmarked for use by first responders once the television broadcasters return the spectrum broadcasters currently use to provide analog transmissions.

(4) This spectrum would be ideal to provide first responders with interoperable communications channels.

(5) Large parts of the vacated spectrum could be auctioned for advanced commercial services, such as wireless broadband.

(6) The ''85-percent penetration test'' could delay the termination of analog television broadcasts and the return of spectrum well beyond 2007, hindering the use of that spectrum for these important public-safety and advanced commercial uses.

(7) Proposals to require broadcasters to return, on a date certain, just the spectrum earmarked for future public-safety use would not adequately resolve the identified need for improved public-safety communications interoperability. Broadcasters estimate that the public-safety only approach would dislocate as many as 75 stations, including some in major markets, airing major network programming, sometimes even in digital form. Unless broadcasters are required to return concurrently all the spectrum currently used for analog transmissions, it will be exceedingly difficult to relocate these 75 stations, which also serve a critical public safety function by broadcasting weather, traffic, disaster, and other safety alerts.

(8) Proposals to require broadcasters to return, on a date certain, just the spectrum earmarked for future public-safety use also would neither address the digital television transition in a comprehensive fashion nor free valuable spectrum for advanced commercial services.

(b) SENSE OF CONGRESS.—Now, therefore, it is the sense of Congress that section 309(j)(14) of the Communications Act of 1934 should be amended to eliminate the 85-percent penetration test and to require broadcasters to cease analog transmissions at the close of December 31, 2006, so that the spectrum can be returned and repurposed for important public-safety and advanced commercial uses.

AMENDMENT NO. 18 OFFERED BY MR. FOSSELLA

Page 606, after line 17, insert the following (and redesignate the subsequent subsections accordingly):

(d) MULTI-YEAR INTEROPERABILITY GRANTS.—

(1) MULTI-YEAR COMMITMENTS.—In awarding grants to any State, region, local government, or Indian tribe for the purposes of enhancing interoperable communications capabilities for emergency response providers, the Secretary may commit to obligate Federal assistance beyond the current fiscal year, subject to the limitations and restrictions in this subsection.

(2) RESTRICTIONS.—

(A) TIME LIMIT.—No multi-year interoperability commitment may exceed 3 years in duration.

(B) AMOUNT OF COMMITTED FUNDS.—The total amount of assistance the Secretary has committed to obligate for any future fiscal year under paragraph (1) may not exceed $150,000,000.

(3) LETTERS OF INTENT.—

(A) ISSUANCE.—Pursuant to paragraph (1), the Secretary may issue a letter of intent to an applicant committing to obligate from future budget authority an amount, not more than the Federal Government's share of the project's cost, for an interoperability communications project (including interest costs and costs of formulating the project).

(B) SCHEDULE.—A letter of intent under this paragraph shall establish a schedule under which the Secretary will reimburse the applicant for the Federal Government's share of the project's costs, as amounts become available, if the applicant, after the Secretary issues the letter, carries out the project before receiving amounts under a grant issued by the Secretary.

(C) NOTICE TO SECRETARY.—An applicant that is issued a letter of intent under this subsection shall notify the Secretary of the applicant's intent to carry out a project pursuant to the letter before the project begins.

(D) NOTICE TO CONGRESS.—The Secretary shall transmit a written notification to the Congress no later than 3 days before the issuance of a letter of intent under this section.

(E) LIMITATIONS.—A letter of intent issued under this section is not an obligation of the Government under section 1501 of title 31, United States Code, and is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(F) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed—

(i) to prohibit the obligation of amounts pursuant to a letter of intent under this subsection in the same fiscal year as the letter of intent is issued; or

(ii) to apply to, or replace, Federal assistance intended for interoperable communications that is not provided pursuant to a commitment under this subsection.

(e) INTEROPERABLE COMMUNICATIONS PLANS.—Any applicant requesting funding assistance from the Secretary for interoperable communications for emergency response providers shall submit an Interoperable Communications Plan to the Secretary for approval. Such a plan shall—

(1) describe the current state of communications interoperability in the applicable jurisdictions among Federal, State, and local emergency response providers and other relevant private resources;

(2) describe the available and planned use of public safety frequency spectrum and resources for interoperable communications within such jurisdictions;

(3) describe how the planned use of spectrum and resources for interoperable communications is compatible with surrounding capabilities and interoperable communications plans of Federal, State, and local governmental entities, military installations, foreign governments, critical infrastructure, and other relevant entities;

(4) include a 5-year plan for the dedication of Federal, State, and local government and private resources to achieve a consistent, secure, and effective interoperable communications system, including planning, system design and engineering, testing and technology development, procurement and installation, training, and operations and maintenance; and

(5) describe how such 5-year plan meets or exceeds any applicable standards and grant requirements established by the Secretary.

AMENDMENT NO. 20 OFFERED BY MR. MICA

Page 198, after line 22, insert the following (and redesignate subsequent subparagraphs of the quoted matter accordingly):

''(D) PRESCREENING INTERNATIONAL PASSENGERS.—Not later than 60 days after date of enactment of this subparagraph, the Secretary of Homeland Security, or the designee of the Secretary, shall issue a notice of proposed rulemaking that will allow the Department of Homeland Security to compare passenger name records for any international flight to or from the United States against the consolidated and integrated terrorist watchlist maintained by the Federal Government before departure of the flight.

Page 199, strike lines 17 through 22 and insert the following:

''(F) APPEAL PROCEDURES.—

''(i) IN GENERAL.—The Assistant Secretary shall establish a timely and fair process for individuals identified as a threat under one or more of subparagraphs (C), (D), and (E) to appeal to the Transportation Security Administration the determination and correct any erroneous information.

''(ii) RECORDS.—The process shall include the establishment of a method by which the Assistant Secretary will be able to maintain a record of air passengers who have been misidentified and have corrected erroneous information. To prevent repeated delays of misidentified passengers, the Transportation Security Administration record shall contain information determined by the Assistant Secretary to authenticate the identity of such a passenger.

Page 203, lines 5 and 6, strike ''explosive detection systems'' and insert ''explosive detection devices''.

Page 203, line 9, insert ''backscatter x-ray scanners,'' after ''shoe scanners,''.

Page 213, after line 9, insert the following (and conform the table of contents of the bill accordingly):

**SEC. 2188. IN-LINE CHECKED 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.

Page 213, line 10, redesignate section 2188 of the bill as section 2189 and conform the table of contents of the bill accordingly.

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AMENDMENT NO. 22 OFFERED BY MR. SHADEGG

In title V, at the end of chapter 3 of subtitle H (page 609, after line 21) add the following:

**SEC. ___. PILOT STUDY TO MOVE WARNING SYSTEMS INTO THE MODERN DIGITAL AGE.**

(a) PILOT STUDY.—The Secretary of Homeland Security, from funds available for improving the national system to notify the general public in the event of a terrorist attack, and in consultation with the Attorney General and the heads of other appropriate Federal agencies, the National Association of State Chief Information Officers, and other stakeholders with respect to public warning systems, shall conduct a pilot study under which the Secretary may issue public warnings regarding threats to homeland security using a warning system that is similar to the AMBER Alert communications network.

(b) 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 findings, conclusions, and recommendations of the pilot study.

The CHAIRMAN pro tempore. Pursuant to the order of the House earlier today, the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from California (Ms. HARMAN) or her designee each will control 5 minutes.

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

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

This en bloc amendment has been agreed to in a bipartisan fashion which supports the amendments that have been offered by the gentleman from Delaware (Mr. CASTLE), the gentleman from Texas (Mr. BARTON), the gentleman from New York (Mr. FOSSELLA), the gentleman from Florida (Mr. MICA) and the gentleman from Arizona (Mr. SHADEGG).

I encourage my colleagues to support this en bloc amendment and move the process forward.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendments.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

There is one bill, the firefighters bill, that is in here, we considered that, and we had a debate on it. I just want to incorporate by reference the problems with that legislation. It is not necessary because firefighters can receive gifts, and if they want to immunize the donor, they can do that under present law.

Furthermore, the answer to giving firefighters more equipment is in funding first responders equipment, rather than tort reform. So I would hope that we would consider that as we consider the en bloc amendments.

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

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), a former member of the Permanent Select Committee on Intelligence.

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

Mr. CASTLE. Mr. Chairman, I thank the chairman of the House Permanent Select Committee on Intelligence for yielding me time.

This is sort of like a deja vu discussion, that the gentleman from Virginia (Mr. SCOTT) and I have had this discussion before. I feel this legislation is necessary. There are some States that have waived the liability provisions to allow corporations to make donations of equipment to fire companies without liability, which is very, very important. A lot of these companies have very good and new equipment, hardly used because their fire needs are not as great as regular fire companies. They are willing to make this donation, but they are reluctant to do so because of the liability issues.

□ 1015

A few States have waived those provisions but others have not. We simply would allow this throughout this country. I cannot imagine anything that is more dutiful or more beneficial to fighting fires in this country than this.

So he opposed this before, and I said at the time, I hope he is the only one who is opposing this, and, he almost was. There were three people who opposed it. It carried by 397 to 3. Obviously, it has to do with what we are dealing with in this country in terms of terrorism, in terms of the problems of dealing with security in the United States of America, intelligence and all those other areas. Quite frankly, it is something that a lot of people want to get done, but we have got to find the vehicle for it, and this is a proper vehicle.

It was unopposed and that is the reason it was put in the en bloc amendment, agreed to by Members on both sides of the aisle. My sense is this is something that each and every one of us should be supporting so that both our rural and our urban fire departments can take advantage of this particular type of law and have emergency vehicles and other equipment donated to them without that concern of liability.

I would hope that his concerns about that, which he has expressed, would not lead to opposition to the en bloc amendment and, hopefully, ultimately, the passage of this, and we will all be protected.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, as the gentleman from Delaware has indicated, we have had this debate before, and I would just point out that my concerns with parts of the amendment are outweighed by the support of the other provisions in the other bills in the bloc. So I will not be opposing the bloc.

Mr. CASTLE. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise today in support of my amendment to H.R. 10 which is identical to legislation I introduced, H.R. 1787, the "Good Samaritan Volunteer Firefighter Assistance Act." On September 14 this legislation overwhelming passed the U.S. House of Representatives 397 to 3.

My amendment removes a barrier which currently prevents some organizations from donating surplus fire fighting equipment to fire departments in need. Under current law, the threat of civil liability has caused some organizations to destroy fire equipment, rather than donating it to volunteer, rural and other financially-strapped departments.

We know that every day, across the United States, firefighters respond to calls for help. We are grateful that these brave men and women work to save our lives and protect our homes and businesses. We may presume that our firefighters work in departments with the latest and best firefighting and protective equipment. When in reality there are an estimated 30,000 firefighters who risk their lives daily due to a lack of basic Personal Protective Equipment (PPE).

In both rural and urban fire departments, limited budgets make it difficult to purchase more than fuel and minimum maintenance. At the same time, certain industries are constantly improving and updating the fire protection equipment to take advantage of new, state-of-the-art innovation. Sometimes, the surplus equipment has never been used to put out a single fire. Sadly, the threat of civil liability causes many organizations to destroy, rather than donate, millions of dollars of quality fire equipment.

Not only do volunteer fire departments provide an indispensable service, some estimates indicate that the nearly 800,000 volunteer firefighters nationwide save state and local governments $36.8 billion a year. Of the 26,000 fire departments in the United States, more than 19,000 are all volunteers and another 3,800 are mostly volunteer.

Ten states: Alabama, Arizona, Arkansas, California, Florida, Indiana, Missouri, New York, South Carolina and Texas have passed similar legislation. In the seven years of the Texas program more than $12 million worth of firefighter equipment has been donated and given to needy departments—this includes nearly 70 emergency vehicles, more than 1,500 piece of communications equipment. In total more than 33,000 items have been donated.

Congress can respond to the needs of fire companies by removing civil liability barriers. Equipping our nation's first responders is essential as we fight the war on terror and I am

hopeful the esteemed Chairman of the Judiciary Committee and my colleagues will again join me in supporting this measure.

Mr. BUYER. Mr. Chairman, I rise in strong support of this amendment sponsored by the Chairman of the House Energy and Commerce Committee. This Sense of Congress sets out the right approach for this nation to move toward the digital television transition and return much-needed spectrum for public-safety and advanced commercial purposes, such as wireless broadband. The Congress, the Federal Communications Commission, as well as the telecommunications industry have spent valuable time and money for the advancement of the transition. A hard date will bring certainty to all those involved in this transition.

The Senate, in its just passed National Intelligence Reform bill, included a 2008 hard deadline for broadcasters to vacate only portions of the 700 MHz spectrum reserved for public safety. I do not believe this is the correct approach, nor do I believe that it adequately solves the public safety issue.

I commend the Chairman for his amendment and I look forward to our continued work as we move from an analog to a digital world.

Mr. COX. Mr. Chairman, I rise in support of the Amendment offered by my colleague and good friend, Mr. SHADEGG of Arizona.

Mr. SHADEGG is a distinguished Member of the Select Committee on Homeland Security and ably serves as Chairman of its Subcommittee on Emergency Preparedness & Response.

Under Chairman SHADEGG's leadership, the EP&R Subcommittee recently held a very informative and eye-opening hearing on the state of our Nation's warning and alert system.

The Amendment that he is offering today is the product of that excellent hearing.

I commend Chairman SHADEGG for his foresight in recognizing the importance of emergency warnings and alerts, and for his leadership in offering this important Amendment.

It is simply imperative that our Nation maintain and operate an effective emergency communication system. It is our responsibility to ensure that our citizens receive sufficient and timely warnings to enable them to take action necessary for their safety—whether the cause is a terrorist attack or a force of nature.

This Amendment authorizes a pilot study examining whether a system like the AMBER Alert network should, and can, be used for emergency warnings and alerts. The AMBER Alert network, which provides actionable intelligence on a geographic basis to help identify and track missing children, is a proven success. This Amendment is certainly worthy of our support.

Let me again commend Chairman SHADEGG. And I urge my colleagues to vote "yes" on the Shadegg Amendment.

Mr. GARY G. MILLER of California. Mr. Chairman, I rise in support of the Mica amendment, which will go a long way in making certain our skies are safe and free of terrorism.

I would like to focus my comments on important provisions in this amendment that will help ensure the civil liberties of all of America's citizens are protected during this war on terrorism. I thank Aviation Subcommittee Chairman MICA for including this language in his amendment, which I had submitted to the Rules Committee as a separate amendment.

There is no question that we should be vigilant in our fight against terrorism or that increased security measures will serve to inconvenience some of our citizens. However, forcing certain law-abiding citizens to be repeatedly detained and questioned each time they travel should not be tolerated.

This amendment will establish a process for the Transportation Security Administration to ensure those passengers who are erroneously flagged under its new pre-screening system are not unnecessarily delayed on future flights.

To illustrate the importance of addressing this issue, I would like to highlight an example of a family in my district who has been repeatedly delayed when traveling.

The most recent case occurred this summer, when returning from an oversees trip. The family was met by officials as they deplaned and escorted to a holding room at JFK Airport. During their detainment, officials thoroughly inspected the family's luggage and would not even allow them to go to the restroom without escort. The family was extensively questioned about their background and employment.

It took over three hours for the officials to clear and release the family. Unfortunately, the long delay caused them to miss their connecting flight to California.

According to Immigration and Customs Enforcement, this family was delayed due to the nature of our law enforcement databases, which can give rise to "near matches" and "tentative hits," resulting in misidentification scenarios.

This was not the first time this family was delayed because of the similarity of their name to names that appear on watch lists. Unfortunately, according to the Department of Homeland Security, it will not be the last—the family should expect similar detainment in the future because of this shortcoming in our law enforcement databases.

Some of you might say that this is the price American citizens of Middle-Eastern descent must pay to ensure safety in our skies.

But we must ask ourselves—how do we protect those unfortunate Americans, who share names that are similar to dangerous people on terrorist watch lists, from being effectively denied the ability to fly?

There is no question that we must encourage our security officials to be vigilant. But, it is reasonable to expect that the Transportation Security Administration be able to maintain their watch lists to ensure that the system does not continue to erroneously flag the same law-abiding citizens every time they try to travel on a plane.

I believe this can be done in a way that maintains aviation security, improves the effectiveness of watch lists, and demonstrates to our fellow Americans of Middle-Eastern descent that America affords the same freedoms and opportunities to all of its law-abiding citizens, even during this war on terrorism.

Specifically, this amendment will: establish a timely and fair process for individuals identified as a threat to appeal the determination and correct any erroneous information; include a method by which TSA will be able to maintain a record of air passengers who have been misidentified; and prevent repeated delays of misidentified passengers by ensuring the record contain information determined by TSA to authenticate the identity of such a passenger.

As we work toward policies that secure our homeland, we must not forget that there are U.S. citizens who are of Middle Eastern descent. They have greatly contributed to American society and are deserving of equal treatment under the Constitution of the United States.

These various cultures and races became citizens of the United States just as our ancestors did, and they are our neighbors, co-workers, friends, and family members. Most of all, they are our fellow Americans.

It is unfortunate that these Americans have been forced to bear the brunt of our increased security.

In the past, when American law enforcement confronted challenges to our safety and security from espionage, drug trafficking and organized crime, we were able to meet those challenges in ways that preserved our fundamental freedoms and civil liberties.

We must meet the challenge of terrorism with this same careful regard for the Constitutional rights of Americans and respect for all human beings.

Last week, the House Transportation and Infrastructure Committee unanimously approved these provisions and I ask my colleagues to support this amendment today.

Mr. UPTON. Mr. Chairman, I rise in support of the Barton Amendment.

Part of the spectrum which the broadcasters are to return at the end of the DTV transition has been earmarked for public safety interoperable radio communications. The tragic events of 9/11 underscore the need for this, and that is why we must move with deliberate speed to complete the transition.

But moving with deliberate speed does not mean moving recklessly, and it does not mean grasping at well-intentioned half-measures that would either cause scores of television stations to literally go dark or would actually set us back in our efforts to get spectrum into the hands of public safety because they are riddled with ill-defined exceptions.

Moreover, we need to consider consumers' analog television sets which could go dark once broadcasters cease analog broadcasts—if we do not take care to do this right. Helping public safety and minimizing consumer disruptions need not be mutually goals.

I support the Barton amendment because it says that we should impose a hard-date for the end of the entire transition as part of a comprehensive digital television transition bill to be enacted next Congress. I look forward to working in the Energy and Commerce Committee next Congress on this and other proposals to minimize consumer disruptions, focusing on how to get low-cost digital-to-analog converter boxes into the hands of consumers, not to mention other policy matters that are relevant to the transition. The Barton Amendment signs us up to move—not with reckless abandon—but with deliberate speed to ensure that we really get spectrum into the hands of public safety in an expeditious fashion.

I urge all of my colleagues to support the Barton Amendment.

Mr. COX. Mr. Chairman, I rise in strong support of the Fossella-Stupak amendment. From the first World Trade Center bombing in 1993 to the attacks on September 11, 2001, the inability of our first responders to communicate adequately and effectively has posed a serious obstacle to our Nation's ability to respond to acts of terrorism and other emergencies.

Regrettably, there is no silver bullet or panacea that will enable us to attain interoperable

communications overnight. And, contrary to the good intentions of some of my colleagues on the other side of the aisle, merely throwing more money at the problem or creating new grant programs is not the answer. We already have enough programs.

Indeed, since 2002, the Federal government has awarded more than $1.2 billion in grant assistance specifically for the purpose of enhancing interoperable communications. And, unfortunately, our progress has been disappointing. The primary reason for this—according to the Government Accountability Office—is that Federal interoperable communications grant programs ''present challenges to short- and long-term planning.''

That is why I rise in support of the Fossella-Stupak Amendment. It does not create a new interoperable communications grant program. Rather, it gives the Department of Homeland Security much needed flexibility to support State and local short- and long-term planning for interoperable communications.

Specifically, under the Fossella-Stupak Amendment, the Department may issue Letters of Intent to commit future funding for interoperable communications for up to three years. These commitments must be made pursuant to existing grant programs.

States and local governments have been reluctant to invest in expensive and complicated communication systems due to uncertainty over the availability of Federal funds from year to year. Providing cash-strapped States and local governments with reasonable assurance that multi-year Federal assistance will be available should spur comprehensive planning and meaningful investments in communications.

The Fossella-Stupak Amendment also requires applicants to develop multi-year interoperable communication plans. Such plans are essential for long-term planning, such as coordinating communications strategies with different agencies and neighboring jurisdictions, and for preventing funds from being wasted on hastily planned systems.

I understand that numerous fire service and law enforcement groups, State and local government organizations, and other entities representing the public safety community played a key role in drafting this Amendment. They and I support this Amendment, and so should you.

I commend Representatives FOSSELLA and STUPAK for their leadership and vision in offering this important Amendment.

As Chairman of the Select Committee on Homeland Security, I strongly encourage my colleagues to support this Amendment.

Mr. DINGELL. Mr. Chairman, I agree with Chairman BARTON that the digital television transition has taken too long and that we need to quickly get our police officers, firefighters, and other first responders an additional 24 megahertz of spectrum to help them safely do their jobs. This spectrum, currently occupied by television channels 63, 64, 68, and 69, is set to be turned over to first responders once the stations broadcasting on those channels transition to digital. Can the federal government speed this up?

Some have proposed getting first responders this spectrum more quickly by requiring certain broadcasters to return their spectrum by the end of 2006. This suggestion, though well intentioned, is a simplistic approach to a complex problem. It does not ensure that the public safety sector will be ready to use this new spectrum. Also, this suggestion, by supplanting certain broadcasters directly, and shutting down others to prevent interference, will prevent many consumers from receiving important programming such as local news and weather. Finally, it will also disproportionately harm the Hispanic community by shutting down a number of Spanish-language stations.

Likewise, the amendment before us today does not reflect the complexity of this issue. Although I agree with Chairman BARTON that we need to speed up the digital transition, the amendment declares that we should establish a hard deadline of December 31, 2006, when all analog television broadcasts on all channels would cease. Such an absolute declaration is premature. It would not allow enough time for affordable equipment to come to market or to properly educate consumers about the transition. Moreover, it could result in many consumers losing their television service. That must not happen.

Congress needs to address the digital transition issue soon in a comprehensive way, addressing, among others, three major issues. First, we need to expedite public safety's access to new spectrum and provide them with certainty so they know when they will be receiving new spectrum. Certainty will allow first responders time to plan how to use the spectrum. It will also allow them time to line up the funding necessary to make use of the spectrum once it becomes available.

Second, we need to implement a far-reaching plan to educate consumers on what will happen once the digital transition is complete. It is important that consumers know when the transition will take place, how it will take place, and what it means for them with regard to their television viewing.

Third, consumers should not bear unfair cost burdens, and we need to have a program in place to provide subsidies so that no one is left behind as the United States transitions to digital television.

I am pleased that Chairman BARTON recognizes the need to tackle these issues in a thoughtful and comprehensive way. Unfortunately, I cannot support the amendment before us today because it is premature and could lead to consumers losing their television service.

I am confident, however, that regardless of which party controls the House next Congress, the Committee on Energy and Commerce will work on a bipartisan basis to properly address these issues in a way that will speed up the digital transition, provide certainty to public safety regarding new spectrum, and protect consumers from losing their television service.

Mr. MICA. Mr. Chairman, the amendment I have offered makes several non-controversial, but important changes:

First, it prevents a repeat of the ''Cat Stevens'' incident.

On September 21st, Yusuf Islam, formerly known as Cat Stevens, was allowed to board United Flight 919 from London to Washington, DC.

The plane was hundreds of miles over the Atlantic before it was discovered that Mr. Islam was on the terrorist watchlist. Fortunately, the plane was diverted to Maine without incident. That plane should never have left the ground with Mr. Islam on board.

My amendment requires DHS to compare the names of international passengers to the terrorist watch-lists prior to the flight's departure, and it ensures that future flights will not take off with known terrorists on board.

Secondly, my amendment requires TSA to establish an appeal process for passengers wrongly placed on terror watchlists.

It also establishes a process for DHS to track passengers erroneously flagged under the Department's new pre-screening system.

The watchlists are incredibly important tools, but they are far from perfect.

Last week, I learned that several members of Congress, including the Chairman of the Transportation Committee, have been prevented from boarding airliners because they shared the first and last name of someone on the watchlist.

This provision will ensure that they and others are not unnecessarily delayed on future flights.

Lastly, this amendment directs the Department of Homeland Security to take all necessary actions to expedite the installation and use of advanced in-line baggage-screening equipment at commercial airports.

I am disappointed that language to provide innovative non-Federal financing for these systems was not included in H.R. 10 due to short-sighted CBO scorekeeping.

However, I do believe the Administration has the authority to pursue this approach, and hopefully, this section will encourage them to do so.

We worked closely with members on both sides of the aisle to develop this amendment. A similar amendment passed the Transportation Committee unanimously last week and I urge all of my colleagues to vote in favor of this amendment.

Mr. PICKERING. Mr. Chairman, I rise today to support the Amendment being offered by Mr. BARTON, Chairman of the House Energy and Commerce Committee. First, I would like to thank Chairman BARTON for his leadership on this issue. I agree with Chairman BARTON that H.R. 10 is not the vehicle by which to effectively transition this precious public spectrum to public safety and valuable commercial and non-licensed uses. In order to address all issues and concerns, we must take a comprehensive approach and develop a comprehensive solution so that our first responders receive all the tools they need and the American people receive the unimaginable benefits of digital technology. The Senate proposal is the wrong approach and I hope we will work to accomplish our goal in a more all-inclusive process focusing on all broadcast issues. We cannot effectively address the digital transition piece by piece. I look forward to working with Chairman BARTON on this very important issue in order to find a date that is appropriate and achievable in order to effectively transition to that new and exciting digital age of television that will promote public safety, encourage innovation, create jobs, and benefit all Americans.

Mr. BARTON of Texas. Mr. Chairman, my amendment expresses the sense of the Congress that the way to get valuable spectrum promptly into the hands of public safety officials without shutting off consumers' televisions is to enact comprehensive, hard-deadline digital television legislation.

The Senate-passed 9/11 bill, however, requires the return of only a portion of that spectrum, rather than all the spectrum that broadcasters are currently using for analog broadcasts. Broadcasters estimate that these provisions would shut off as many as 75 stations.

Many of these broadcasters carry major networks in major markets. Because the Senate bill does not require the other broadcasters to vacate their analog spectrum, there will be nowhere to relocate these 75 stations.

By waiting until the 109th Congress set a date-certain for all broadcasters to clear the spectrum they use for analog broadcasts, we can turn spectrum over to public safety sooner, and all broadcasters will be able to move to their final digital channels. The remaining spectrum can be auctioned for advanced commercial services, such as wireless broadband. Some of the billions of dollars generated can then be used for digital-to-analog converter boxes so that households relying on over-the-air analog broadcasts can continue to use their analog televisions.

I urge my colleagues to join me in expressing the Sense of the Congress that the responsible policy should be to address this issue comprehensively through regular order, not in a piecemeal fashion on a bill to implement the 9/11 Commission recommendations. I look forward next year to working with Ranking Minority Member DINGELL, Subcommittee Chairman UPTON, and Subcommittee Ranking Minority Member MARKEY, along with all of the Members of the Energy and Commerce Committee, to pass hard-deadline legislation. I urge my colleagues to vote for this amendment so that public safety gets its needed spectrum without making televisions go dark.

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

Mr. HOEKSTRA. Mr. Chairman, we have no additional speakers, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. KOLBE). The question is on the amendments en bloc offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 10 printed in House Report 108–751.

AMENDMENT NO. 10 OFFERED BY MR. FOLEY

Mr. FOLEY. 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. Offered by Mr. FOLEY:

Page 328, after line 7, insert the following (and amend the table of contents accordingly)

**Subtitle F—Treatment of Aliens Who Commit Acts of Torture, Extrajudicial Killings, or Other Atrocities Abroad**

**SEC. 3121. INADMISSIBILITY AND DEPORTABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS ABROAD.**

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(1) in clause (ii), by striking ''has engaged in conduct that is defined as genocide for purposes of the International Convention on the Prevention and Punishment of Genocide is inadmissible'' and inserting ''ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a) of title 18, United States Code, is inadmissible'';

(2) by adding at the end the following:

''(iii) COMMISSION OF ACTS OF TORTURE OR EXTRAJUDICIAL KILLINGS.—Any alien who, outside the United States, has committed, ordered, incited, assisted, or otherwise participated in the commission of—

''(I) any act of torture, as defined in section 2340 of title 18, United States Code; or

''(II) under color of law of any foreign nation, any extrajudicial killing, as defined in section 3(a) of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

is inadmissible.''; and

(3) in the subparagraph heading, by striking ''PARTICIPANTS IN NAZI PERSECUTION OR GENOCIDE'' and inserting ''PARTICIPANTS IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING''.

(b) DEPORTABILITY.—Section 237(a)(4)(D) of such Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) by striking ''clause (i) or (ii)'' and inserting ''clause (i), (ii), or (iii)''; and

(2) in the subparagraph heading, by striking ''ASSISTED IN NAZI PERSECUTION OR ENGAGED IN GENOCIDE'' and inserting ''PARTICIPATED IN NAZI PERSECUTION, GENOCIDE, OR THE COMMISSION OF ANY ACT OF TORTURE OR EXTRAJUDICIAL KILLING''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of the enactment of this Act.

**SEC. 3122. INADMISSIBILITY AND DEPORTABILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.**

(a) GROUND OF INADMISSIBILITY.—Section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) is amended to read as follows:

''(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE COMMITTED PARTICULARLY SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien who, while serving as a foreign government official, was responsible for or directly carried out, at any time, particularly severe violations of religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402), is inadmissible.''.

(b) GROUND OF DEPORTABILITY.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(E) PARTICIPATED IN THE COMMISSION OF SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.—Any alien described in section 212(a)(2)(G) is deportable.''.

**SEC. 3123. WAIVER OF INADMISSIBILITY.**

Section 212(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)) is amended—

(1) in subparagraph (A), by striking ''and 3(E)'' and inserting ''and clauses (i) and (ii) of paragraph (3)(E)''; and

(2) in subparagraph (B), by striking ''and 3(E)'' and inserting ''and clauses (i) and (ii) of paragraph (3)(E)''.

**SEC. 3124. BAR TO GOOD MORAL CHARACTER FOR ALIENS WHO HAVE COMMITTED ACTS OF TORTURE, EXTRAJUDICIAL KILLINGS, OR SEVERE VIOLATIONS OF RELIGIOUS FREEDOM.**

Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(2) by adding at the end the following:

''(9) one who at any time has engaged in conduct described in section 212(a)(3)(E) (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 212(a)(2)(G) (relating to severe violations of religious freedom).''.

**SEC. 3125. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.**

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(h)(1) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority to detect and investigate, and, where appropriate, to take legal action to denaturalize any alien described in section 212(a)(3)(E).

''(2) The Attorney General shall consult with the Secretary of the Department of Homeland Security in making determinations concerning the criminal prosecution or extradition of aliens described in section 212(a)(3)(E).

''(3) In determining the appropriate legal action to take against an alien described in section 212(a)(3)(E), consideration shall be given to—

''(A) the availability of criminal prosecution under the laws of the United States for any conduct that may form the basis for removal and denaturalization; or

''(B) the availability of extradition of the alien to a foreign jurisdiction that is prepared to undertake a prosecution for such conduct.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the additional duties established under section 103(h) of the Immigration and Nationality Act (as added by this subtitle) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

**SEC. 3126. REPORT ON IMPLEMENTATION.**

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Homeland Security, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this subtitle that includes a description of—

(1) the procedures used to refer matters to the Office of Special Investigations and other components within the Department of Justice and the Department of Homeland Security in a manner consistent with the amendments made by this subtitle;

(2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this subtitle; and

(3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this subtitle.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Florida (Mr. FOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. FOLEY).

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

I rise today in support of our amendment, the Foley-Ackerman amendment to H.R. 10, the Anti-Atrocity Alien Deportation Act that will help strengthen our Nation's security.

Every year, according to Amnesty International, an estimated 800 to 1,000 war criminals and human rights abusers seek refuge in the United States.

Due to loopholes in current law, these criminals could be living in our States, in our towns, and even in our neighborhoods. There is nothing in current U.S. law to bar such monsters from the United States or to legally justify their removal from our country.

This headline, the INS says it cannot deport them. The Justice Department will not prosecute them. Torturers, death squad leaders, and human rights criminals who seek refuge in the United States have nothing to fear except their victims.

Let me be perfectly clear: Torturers are terrorists. Many of us here today probably think of torturers as domestic terrorists, those just committing unspeakable crimes in their own Nations, but that cannot be further from the truth.

Let us look at the facts. North Korea, Iran, Syria, Libya, Cuba, Sudan, the former regimes in Afghanistan, the Taliban, and Iraq, they are all State sponsors of terrorism, and all have some of the worst human rights records in history. They detain people for indefinite periods of time, commit brutal acts of torture and kill with little regard for human life. We would be naive to believe that torturers and terrorists are in many ways not one in the same.

The Anti-Atrocity Alien Deportation amendment, which the gentleman from New York (Mr. ACKERMAN) and I have worked on for over 4½ years, we are offering it today, will give the Federal Government another weapon in our war on terror. This amendment will, among other things, make aliens who commit torture or other human rights violations inadmissible and removable.

This bipartisan and bicameral provision will strengthen H.R. 10 by adding additional layers to our immigration laws, barring these criminals with clear ties to terror from even entering our country.

For decades, those who have committed some of the most horrific acts against humanity have sought sanctuary here with impunity. This amendment would strip their protection once and for all. We cannot let these criminals continue to be around our families any longer. They have committed crimes against their own people. They have committed crimes against the United States. They have committed crimes against humanity.

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

Mr. ACKERMAN. Mr. Chairman, I ask unanimous consent to control the time in opposition and will be in favor of the legislation.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York (Mr. ACKERMAN) is recognized for 5 minutes.

There was no objection.

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

First, I want to say it has been a privilege to work with the gentleman from Florida (Mr. FOLEY) on a completely nonpartisan basis for almost half a decade on this particular legislation.

The Foley-Ackerman amendment closes the loophole that currently allows war criminals who enter the United States to remain in the United States. This measure enjoys bipartisan support in both the House and the Senate. A bill sponsored by the chairman and ranking Democrat on the Senate Judiciary Committee, ORRIN HATCH and PATRICK LEAHY, has been reported out of the Judiciary Committee in that body.

At this very moment, with our Nation engaged in a conflict in Iraq, which previously had a regime that committed every kind of grotesque criminal behavior that our Nation deplores, the U.S. Code provides no, again, no, assurance that Saddam Hussein's henchmen, Iraqi war criminals, perpetrators of torture or atrocities from there or other places could not somehow come into the United States and enjoy the very benefits that they have so cruelly deprived of others.

It is hard to believe but it is true. Some of Saddam Hussein's most brutal thugs, if they were able to hide their past and slip past the INS, they could conceivably apply and receive either U.S. permanent resident status or even possibly citizenship.

How do we know this? Because war criminals from other conflicts have been surreptitiously coming to the United States since World War II. We cannot continue to leave the United States open to monsters who have committed horrible atrocities against innocent civilians, and we need to slam that door shut and to shut it tightly. We must also capture those war criminals who have already entered the United States and show them the door.

The Foley-Ackerman amendment provides the Justice Department's Office of Special Investigation, the OSI, with the statutory authority to hunt down these thugs and criminals and, through the courts, remove them from our country.

The OSI is currently tasked with finding and expelling Nazi war criminals seeking to evade the consequences of their unprecedented and horrific crimes. Since its creation in 1979, this elite team of prosecutors and investigators has been methodically removing Nazi war criminals who were able to sneak into the United States. Based on its terrific past performance, its current readiness, and most critically, its desire to perform the mission, OSI is the right agency to ensure that this land remain free from the most vile criminals and violators of human rights.

Mr. Chairman, the very notion that anyone who has perpetuated genocide or committed these horrible crimes, these acts of torture, would be able to get into the United States is shocking enough. The fact that there is currently no law on the books to find these criminals and to remove them from our country is even worse. War criminals should have no safe haven or refuge anywhere, least of all in this land of liberty, and that is why I am encouraging all of our colleagues, Mr. Chairman, to vote in support of the Foley-Ackerman amendment.

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

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HOSTETTLER), the chairman of the Subcommittee on Immigration, Border Security and Claims.

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

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of the Foley-Ackerman amendment to H.R. 10, the 9/11 Recommendations Implementation Act. This important amendment will close a longstanding gap that has allowed thousands of aliens who have tortured or otherwise abused the human rights of untold numbers in their home country to live in the United States.

They are living here in our country the lives that many of their victims will never enjoy. As we continue our war on terror, we must do everything in our power to make sure that our Federal agencies have the tools they need to ensure our safety.

The Foley-Ackerman amendment will take such a step. This amendment will keep our country safe by barring admission into the United States and authorizing the deportation of any foreigner who has committed acts of torture or other human rights abuses abroad.

These criminals have committed some of the most atrocious acts ever imagined by mankind. We can no longer be a safe haven for those who seek to do us harm and have proven this by doing grave harm to others in the countries they have fled.

Mr. Chairman, I urge my colleagues to vote for this very important amendment.

Mr. ACKERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for the time.

I rise to support this amendment because it spells out that immigrants who have committed torture or extrajudicial killings abroad are not eligible to enter the United States, and it changes the provisions that makes immigrants inadmissible if they have committed acts of genocide. The amendment also expands an existing bar against government officials who have committed severe violations of religious freedom.

I want to thank and commend the two gentlemen, and that is why I believe it is very important that H.R. 10 is clearly stripped of any violations of the convention against torture and to make sure that as we are consistent in

denying into the United States those who would commit genocide, torture and other heinous acts, that we accept the responsibility of having the high moral ground, making sure that no legislation that we pass would deport any alien to a place where they might be tortured and subjected to such horrific acts.

This is a very strong amendment. It puts us on the right side of the column, protecting those who would be subjected to the violence of those who would be interested in coming to this country, and I support the gentlemen in this amendment and would ask that we also consider the elimination of such language in our own H.R. 10. I support this amendment.

The CHAIRMAN pro tempore. The gentleman from New York (Mr. ACKERMAN) has one-half minute remaining.

Mr. ACKERMAN. Mr. Chairman, I have no further speakers, and I yield our time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank my colleague the gentleman from New York (Mr. ACKERMAN) and the gentleman from Indiana (Mr. HOSTETTLER), Richard Krieger from my district, who brought this important issue to our attention who has been diligently tracking and identifying these criminals.

Let me read a couple of names: Marko Boskic, Bosnia, member of a group that killed 1,200 Bosnian Muslims in one day; Major General Jean-Claude Duperval, Haiti, implicated in the massacre at Raboteau, Haiti, 1994; Nikola Vukovic, beat Bosnian Muslims with rifles and metal pipes; Mohamed Ali Samatar from Somalia, oversaw the killing of more than 50,000 northern Somali Issaks; Abdi Ali Nur from Somalia, assisted in sham trials and the execution of hundreds of civilians. That is just a few of them.

I will enter this into the RECORD at this point so people can see.

TABLE OF INDIVIDUALS ACCUSED OF ATROCITIES

[Arranged by Time of Atrocity Committed]

| Name | Country | Crime | Time of atrocities |
|---|---|---|---|
| Thomas Ricardo Anderson Kohatsu | Peru | Implicated in the torture of Leonor La Rosa and Mariela Lucy Barreto. La Rosa was paralyzed, Barreto was killed. | 1997 |
| Marko Boskic | Bosnia | Member of group that killed 1,200 Bosnian Muslims in one day | July 15, 1995 |
| Major Gen. Jean-Claude Duperval | Haiti | Implicated in massacre at Raboteau, Haiti | 1994 |
| Jean-Marie Vianney Mudahinyuka | Rwanda | Part of an elite group that ordered the killings of 500,000 Tutsis | 1994 |
| Nikola Vukovic | Bosnia | Beat Bosnian Muslims with rifles and metal pipes. Carved a religious symbol into the forehead of one prisoner. | 1992–1994 |
| Emanuel ''Toto'' Constant | Haiti | Created paramilitary organization that killed over 3,000 pro-democracy activists. | 1991–1994 |
| Carl Dorelien | Haiti | Oversaw the deaths of 5,000 people | 1991–1994 |
| Zijad Muzic | Bosnia | Ethnic cleansing of Croats and Bosnian Muslims | 1991–1993 |
| Jackson Joanis | Haiti | Accused of torture and murder | Early 1990s |
| Thioun Prasith | Cambodia | Implicated in the deaths of thousands of people | Late 1970s–1993 |
| Mohamed Ali Samatar | Somalia | Oversaw killing of more than 50,000 northern Somali Issaks | 1971–1990 |
| Juan Lopez Grijalba | Honduras | Military chief accused of murder and torture of civilians | 1980s |
| Jaime Ramirez Raudales | Honduras | Charged with political murders | 1980s |
| Abdi Ali Nur | Somalia | Assisted in sham trials and the executions of hundreds of civilians | Late 1980s |
| Luis Discua | Honduras | Killed dozens of leftists in Honduras | 1980s |
| Alvaro Rafael Saravia Marino | Honduras | Murdered Salvadoran archbishop | 1980 |
| Kelbessa Negewo | Ethiopia | Tortured, beat and raped Ethiopians | 1978 |
| Armando Fernando Larios | Chile | Helped kill Chile's foreign minister | 1976 |
| Gen. Fernando Vecino Alegret, a.k.a. ''Fidel'' | Vietnam | Cuban interrogator that tortured American POWs during Vietnam War | 1967 |
| Helmut Oberlander | Ukraine | Belonged to Nazi death squad that killed thousands of Jews | 1941–1943 |

GENERAL

Iran: Pro-democracy Iranian Students tortured in 1970s.

Iraq: Dissidents against Ba'ath party regime systematically tortured.

Afghanistan: Taliban.

Sources sorted by name of accused individuals:

1. Kohatsu: ''U.S. Becoming haven for Torturers.'' San Diego Union Tribune, April 10, 2002.

2. Boskic: Rupert, James. ''Accused killer in Bosnian war makes a life in U.S.'' New York Newsday, Sep. 13, 2004.

3. Duperval: Daniel, Trenton and Susannah A. Nesmith. ''Abusers back in the streets; Some of Haiti's most notorious human rights abusers walk the streets openly now.'' The Miami Herald. March 15, 2004.

4. Mudahinyuka: Korecki, Natasha. ''More charges for Rwanda suspect.'' Chicago Sun-Times. May 15, 2004.

5.Vukovic: Dart, Bob. ''U.S. is a haven for foreign war criminals.'' Austin American Statesman. April 11, 2002.

6. Constant: ''Torture suspects find haven in U.S.'' Miami Herald. Aug. 1, 2001.

7. Dorelien: Wilber, Del Quentin. ''Rights abusers can find haven.'' Baltimore Sun. Aug. 28, 2000.

8. Muzic: Fainaru, Steve. ''Suspect in 'cleansing' by Serbs living in Vt.'' The Boston Globe. May 3, 1999.

9. Joanis: Benjamin, Jody A. ''Haitian enforcer makes bid to stay put.'' Ft. Lauderdale Sun-Sentinel. June. 22, 2001.

10. Prasith: Fifield, Adam. ''Apologist in suburbia.'' The Village Voice. May 5, 1998.

11. Samatar: Ragavan, Chitra. ''A safe haven, but for whom?'' U.S. News and World Report. Nov. 15, 1999.

12. Grijalba: ''Foley introduces bill to stop influx of criminals here.'' Sun-Herald.com. April 4, 2003. http://www.sun-herald.com.

13. Raudales: Valbrun, Marjorie. ''U.S. to pursue torturers who flee here—Move seeks to address 'nexus' between human-rights abusers and national-security risks.'' The Wall Street Journal. May 8, 2003.

14. Abdi Ali Nur: Ragavan, Chitra. ''A safe haven, but whom?'' U.S. News and World Report. Nov. 15, 1999.

15. Discua: ''Foley introduces bill to stop influx of criminals here.'' Sun-Herald.com. April 4, 2003. http://www.sun-herald.com

16. Marino: Charvy, Alfonso and Elizabeth Donovan. ''Torture suspects find haven.'' The Miami Herald. July 22, 2001.

17. Negewo: Dart, Bob. ''U.S. is a haven for torturers, report says; many settle here illegally.'' The Atlanta-Journal Constitution. April 11, 2002.

18. Larios: Valbrun, Marjorie. ''U.S. to pursue torturers who flee here—Move seeks to address 'nexus' between human-rights abusers and national-security risks.'' The Wall Street Journal. May 8, 2003.

19. Alegret a.k.a. ''FIDEL'': Alfonso, Pablo and Sonji Jacobs. ''Ex-POW identifies Cuban dignitary as his chief tormentor.'' The Miami Herald. Sep. 9, 1999.

20. Oberlander: Staletovitch, Jenny. ''New law would send modern war criminals packing.'' The Palm Beach Post. Jan. 18, 2000.

These are articles from papers about criminals living in the United States.

I urge my colleagues to vote for this very important national security measure. I thank my legislative counsel and legal director, Bradley Schreiber, and my staff for working so diligently.

As I mentioned, the gentleman from New York (Mr. ACKERMAN) and I have been doing this now for 4½ plus years. It has finally come to fruition. We thank our colleagues. We urge adoption of the amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 11 printed in House Report 108–751.

AMENDMENT NO. 11 OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. 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. 11 offered by Mr. GOODLATTE:

Page 235, after line 21, insert the following:

**Subtitle J—Pretrial Detention and Postrelease Supervision of Terrorists**

**SEC. 2221. SHORT TITLE.**

This subtitle may be cited as the ''Pretrial Detention and Lifetime Supervision of Terrorists Act of 2004''.

**SEC. 2222. PRESUMPTION FOR PRETRIAL DETENTION IN CASES INVOLVING TERRORISM.**

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting ''or'' before ''the Maritime''; and

(B) by inserting after ''or 2332b of title 18 of the United States Code'' the following: '', or

an offense listed in section 2332b(g)(5)(B) of title 18 of the United States Code, if the Attorney General certifies that the offense appears by its nature or context to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnaping, or an offense involved in or related to domestic or international terrorism as defined in section 2331 of title 18 of the United States Code''; and

(2) in subsections (f)(1)(A) and (g)(1), by inserting after ''violence'' the following: '', or an offense listed in section 2332b(g)(5)(B) of title 18 of the United States Code, if the Attorney General certifies that the offense appears by its nature or context to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnaping, or an offense involved in or related to domestic or international terrorism as defined in section 2331 of title 18 of the United States Code''.

**SEC. 2223. POSTRELEASE SUPERVISION OF TERRORISTS.**

Section 3583(j) of title 18, United States Code, is amended in subsection (j), by striking '', the commission'' and all that follows through ''person,''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

□ 1030

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

Mr. Chairman, this amendment would simply create a rebuttable presumption that no amount of bail or other conditions would assure the appearance in court of a defendant when he is charged with a terrorist offense and there is probable cause that the defendant committed certain terrorist acts. This bill simply creates a rebuttable presumption which can be overcome by evidence that the defendant would appear in court.

This presumption that a defendant would not show up in court already applies to those who are charged with major drug crimes and certain violent crimes. If it is good enough for drug dealers and violent criminals, it should be good enough for terrorists. It is simply too risky to trust terrorists who have been charged with terrorist offenses to return to court to be tried. We should not allow these criminals to roam free in our streets while they await trial.

In addition, this bill would help prevent further terrorist attacks by giving judges the discretion to impose a term of supervised relief up to life for terrorists who have been convicted of terrorist offenses. Currently, the law provides that only those who committed terrorist offenses which either resulted in or created a foreseeable risk of death could be supervised for a term of years up to life after being released. This bill would make clear that post-trial supervision is available for all victim terrorists, not just those whose terrorist acts happen to result in death.

This amendment only authorizes a court to impose the supervised relief of a terrorist. It does not mandate any particular term of supervised relief for any particular criminal, nor does it mandate that any supervised release be imposed at all. It leaves that decision up to the courts based on the facts and circumstances of each individual case.

In addition, current law already gives courts the authority to modify or end the period of supervised release if the court determines that the criminal's conduct and circumstances so warrant. This safeguard is not changed by this amendment.

Mr. Chairman, this amendment makes simple changes to current Federal criminal law to ensure that those who have committed terrorist acts will not attempt to harm our citizens again. I urge my colleagues to support this important amendment.

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

Mr. SCOTT of Virginia. Mr. Chairman, I rise to claim the time in opposition for the minority, and I yield myself such time as I may consume.

Mr. Chairman, this amendment adds to the list of crimes for which the presumption of detention occurs. It is an extraneous PATRIOT Act II provision not sought by the 9/11 Commission. This puts the defendant in a position where he has to prove the unprovable.

The Department of Justice has a bad record of detaining people who should not be detained. Brendon Mayfield, a lawyer in Seattle, was detained as a material witness in the Madrid train bombing. The Department of Justice was subsequently forced to admit that they had the wrong person, in that Mr. Mayfield had nothing to do with the crime, notwithstanding the fact that he had been held on one of these presumptions of detention.

I would hope we would consider this when we consider PATRIOT Act II.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself 15 seconds to say to the gentleman from Virginia that this is freestanding legislation which I have introduced. It has nothing to do with the so-called PATRIOT Act II the gentleman refers to. It is a good measure.

Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment. This amendment would enhance public safety by denying pretrial release to individuals accused of committing a terrorism offense. It would also provide that any individual convicted of a terrorism offense could be sentenced to supervised release for any term of years up to life.

Defendants in Federal cases who are accused of certain crimes are presumptively denied pretrial release. For these crimes there is a rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of that person as required for the safety of the community.

The list of crimes currently includes drug offenses, carrying maximum prison sentences of 10 years or more, but does not include most terrorism offenses. Thus, persons accused of many drug offenses are presumptively to be detained before trial, but no comparable presumption exists for people accused of most terrorist crimes. This makes no sense.

The continuing danger posed to national security by those who materially support terrorism, who are the vital links in the chain of any terrorist act, may be no less than that posed by the direct perpetrators, the triggermen, of terrorist violence. And the court should be afforded the same degree of discretion in prescribing post-release supervision in all these cases as well.

The standard for every one of these amendments is whether or not this language enhances the safety and security of this country. Clearly, this amendment is a step in the right direction. It gives our courts some of the same tools they have in drug cases. I urge my colleagues to support this amendment.

Mr. SCOTT of Virginia. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. HARMAN), the ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Chairman, I rise to discuss three subjects, the first of which is this amendment. Although I listened carefully to the gentleman from Virginia (Mr. GOODLATTE). I think many of the points he makes are valid, and I agree with him that we should not be coddling terrorists, but I think this amendment is ill timed and needs further consideration by this House.

The gentleman has said that he is not participating in an effort to expand the PATRIOT Act, but these ideas have been circulated in a package called PATRIOT Act II. My view of the PATRIOT Act, which I supported, is that next year is the right time to consider how to expand or contract it.

I am a cosponsor of the SAFE Act, which would delete some provisions of the PATRIOT Act that are egregious, but I have an open mind in looking at some features of the PATRIOT Act which might be fine-tuned to work more effectively. So for that reason, I oppose this amendment.

I also will oppose the Hostettler amendment, which will be offered in a few minutes. I think it replaces the worst features of H.R. 10 with some other bad features. Certainly, the outsourcing of terrorists, as some of us have called it, which some Members of the majority including the gentleman

from Illinois (Mr. HYDE), agree would violate U.S. law and the International Convention on Torture, is a terrible idea.

But there are other features of the Hostettler amendment that make asylum much harder to get, and in ways that have nothing whatsoever to do with finding and prosecuting terrorists, punish innocent immigrants. That is not the purpose of the debate today.

Finally, I want to comment on the en bloc amendment which was just offered and agreed to. I think it is a very good amendment, and the features of it I want to talk about are the Barton amendment, and the Fossella amendment, both of which have to do with interoperable communications.

We have done almost nothing since 9/11 effectively to deal with the failure to have communications equipment and adequate bandwidth with which to communicate, which was a major problem in New York and a major problem at the Pentagon. This administration is not even funding initiatives in this fiscal year for interoperable communications, claiming there is enough money in the pipeline.

The right answer is to free up some dedicated bandwidth for emergency communications. There is a pending bill called the HERO Act, introduced by the gentleman from Pennsylvania (Mr. WELDON) and me, which has been sadly withering on the vine for a year and a half, opposed by the broadcasters. These two amendments will help with multiyear funding, which we need for ports as well as interoperable communications, and will help convey the sense of the Congress that makes it clear we have to free up this bandwidth so that our first responders have the tools that they need.

So as we proceed this morning, Mr. Chairman, I hope we are all paying close attention to amendments. Some are good, some are less good. I would like to say to the gentleman from Virginia (Mr. GOODLATTE), however, that I think he is an extremely careful legislator and a very good lawyer, and I hope that next year we can work together to craft PATRIOT Act amendments both to eliminate provisions that do not work and to enhance provisions that do work that will keep America safe, find the bad guys, and protect our civil liberties and our constitution.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time, and I say to the gentlewoman that I appreciate her comments, but I would also point out that we are engaged in the midst of a war against terror right now and a lot is going to happen in the next year, including the apprehension of people who, under appropriate circumstances meet this standard, and we should have the opportunity for the court, and this is a decision by the judge, not something that is a mandatory decision, but the judge should have the discretion to allow that the individual be held pending trial without bond.

Secondly, there will be people who have been convicted of terrorist acts potentially released during that period of time, and if the court finds it appropriate to authorize lifetime supervision, we ought to get that supervision started now to keep track of people who have engaged in terrorist acts and give the court the authority to undertake that now, without waiting an additional year and expose our country to greater risks that will occur during that time.

So I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. KOLBE). The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. GOODLATTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro temore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) will be postponed.

It is now in order to consider amendment No. 12 printed in House Report 108–751.

AMENDMENT NO. 12 OFFERED BY MR. GREEN OF WISCONSIN

Mr. GREEN of Wisconsin. 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. 12 offered by Mr. GREEN of Wisconsin:

Page 252, line 18, strike ''**DEPORTATION**'' and insert ''**REMOVAL**'' (and amend the table of contents accordingly).

Page 258, after line 5, insert the following (and amend the table of contents accordingly):

**SEC. 3034. INADMISSIBILITY DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.**

(a) IN GENERAL.—Section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) is amended to read as follows:

''(i) IN GENERAL.—Any alien who—

''(I) has engaged in a terrorist activity;

''(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

''(IV) is a representative (as defined in clause (v)) of—

''(aa) a terrorist organization; or

''(bb) a political, social, or other group that endorses or espouses terrorist activity;

''(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

''(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

''(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

''(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization under section 212(a)(3)(B)(vi); or

''(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years, is inadmissible. An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to be engaged in a terrorist activity.''.

(b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read as follows:

''(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this subparagraph, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

''(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

''(II) to prepare or plan a terrorist activity;

''(III) to gather information on potential targets for terrorist activity;

''(IV) to solicit funds or other things of value for—

''(aa) a terrorist activity;

''(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

''(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

''(V) to solicit any individual—

''(aa) to engage in conduct otherwise described in this clause;

''(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

''(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

''(aa) for the commission of a terrorist activity;

''(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

''(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi); or

''(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization.''.

(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:

''(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

''(I) designated under section 219;

''(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

''(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).''.

(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—

(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 occurring or existing before, on, or after such date.

**SEC. 3035. DEPORTABILITY OF TERRORISTS.**

(a) IN GENERAL.—Section 237(a)(4)(B) (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

''(B) TERRORIST ACTIVITIES.—Any alien who would be considered inadmissible pursuant to subparagraph (B) or (F) of section 212(a)(3) is deportable.''.

(b) DEPORTATION OF ALIENS WHO HAVE RECEIVED MILITARY-TYPE TRAINING FROM TERRORIST ORGANIZATIONS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(E) RECIPIENT OF MILITARY-TYPE TRAINING.—Any alien who has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization, as defined in section 212(a)(3)(B)(vi), is deportable.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to acts and conditions constituting a ground for removal occurring or existing before, on, or after such date.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Wisconsin (Mr. GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. GREEN).

(Mr. GREEN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my time is limited, so I will focus on just two aspects of this amendment that come largely from my own legislation, H.R. 4942.

First, this amendment recognizes that our enemy is not merely the terrorist who pulls the trigger or places the bomb or drives that rig truck, it is also those who through their material support make the violent act possible. They provide the training, they provide the shelter, the ID documents, the resources, the intelligence, the many dirty acts that help the chain of destruction. If we can break these links in the terrorist chain, then the chain will fall apart.

The second thing these provisions do is common sense. It makes material support of terrorism, especially those who participate in military-style training, grounds for being inadmissible into this country and grounds for deportation.

We are a welcoming country. I am the proud son of immigrants. But we cannot allow our welcoming arms to be a tool for terrorists who seek our downfall.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to seek the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, no one is opposed to identifying and denying admission to terrorists, and no one is opposed to deporting terrorists who are found in the United States. However, we should not exclude or deport someone as a terrorist who is an innocent person. This amendment would make that possibility more likely by expanding the already overly broad provisions for excluding and deporting individuals on terrorism grounds.

The terrorist removal provisions presently in the Immigration Nationality Act specify that terrorist organizations must be designated by the Secretary of the Department of State. This amendment would eliminate that requirement. This would greatly increase the possibility that people will be excluded or deported on the basis of involvement with an organization that has incorrectly been called a terrorist organization.

□ 1045

Moreover, I would be surprised if someone removed on that basis would ever be allowed to return to the United States.

Under current law, involvement with a terrorist organization is not a ground for removal unless that person knew or should have known that it was a terrorist organization. We have seen this occur time and time again, particularly after passage of the PATRIOT Act and, as well, as it is related to many in the Muslim community. I believe that more consideration needs to be given to these very important issues.

I ask my colleagues to vote against this amendment.

Ms. JACKSON-LEE. Mr. Chairman, no one is opposed to denying admission to terrorists, and no one is opposed to deporting terrorists who are found in the United States. However, we should not exclude or deport someone as a terrorist who is an innocent person. This amendment would make that possibility more likely by expanding the already overbroad provisions for excluding and deporting individuals on terrorism grounds.

The terrorist removal provisions presently in the Immigration and Nationality Act specify that terrorist organizations must be designated by the Secretary of the Department of State. This amendment would eliminate that requirement. This would greatly increase the possibility that people will be excluded or deported on the basis of involvement with an organization that has incorrectly been called a ''terrorist organization.'' Moreover, I would be surprised if someone removed on that basis would ever be allowed to return to the United States.

Under current law, involvement with a terrorist organization is not a ground for removal unless the person knew or should have known that it was a terrorist organization. The amendment would require the alien to demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known that it was a terrorist organization. This would create a higher standard that would be much more difficult to prove. In fact, I am not sure that it is possible to establish the negative proposition that you did not know something.

Finally, the changes that this amendment would make would apply retroactively, which would increase the likelihood of ensnaring innocent people. I urge you to vote against this amendment.

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

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary who has produced so many of the important provisions of this legislation.

Mr. SENSENBRENNER. I thank the gentleman for yielding me this time.

Mr. Chairman, I am puzzled why anybody would oppose this amendment. The amendment simply states that if you cannot be admitted to the United States because you are affiliated with a terrorist organization, then you can be deported if you get in through one way or another. We have a big problem with illegal aliens crossing both the northern and the southern border. If you do not go through the passport check and enter the United States illegally and you could not enter the United States legally because you were a part of a terrorist organization, then if this amendment goes down, you cannot kick them out. So it seems to me that if you cannot get in and it is illegal for you to get in and you do get in, anyhow, illegally, or by fooling an immigration inspector, then the government ought to have the power to be able to deport these people.

The amendment is as simple as that, meaning if they do get in when they should not, they should be able to be removed and sent out of the country and make America safer.

I urge support of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that the important part of this is that the amendment would require the alien to demonstrate by clear and convincing evidence that he did not know and should not reasonably have known that it was a terrorist organization. This is a higher standard and would be much more difficult to prove. And might I say we are adding this to a bill that frankly the White House has indicated that it strongly opposes any overbroad expansion of expedited removal. This is clearly in that ballpark.

The administration has concerns with the overbroad alien identification standards proposed by the bill and unrelated to security concerns. All of these amendments that we will be talking about, we have a clear statement by the White House that they oppose. But also my understanding is that the chairman of the full Committee on the Judiciary has indicated that he would not stand for the expansion of section 411 of the PATRIOT Act. In fact, the chairman said that it will be done ''over my dead body.'' This is what we are doing here right now. Even if we do so, we need to do so with far more detailed review and judicial committee hearings and the understanding of the imbalance between civil liberties and respect for the judicial system and the right of someone to go into the courts and prove otherwise than what we are doing here under H.R. 10 which is supposed to be, as the 9/11 Commission has said, the overhaul of the U.S. intelligence agencies.

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

Mr. GREEN of Wisconsin. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. HOSTETTLER), chairman of the Subcommittee on Immigration, Border Security, and Claims.

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

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment and commend my colleague from Wisconsin for his work on this issue. Currently, terrorists and their supporters can be kept out of the United States, but as soon as they set foot in the U.S. on tourist visas, for example, we cannot deport them for many of the very same offenses. This hinders our ability to protect Americans from those alien terrorists who have infiltrated the United States. This amendment makes aliens deportable for terrorist-related offenses to the same extent that they would not be admitted in the first place to the United States.

Another deficiency in current law is based on a flawed understanding of how terrorist organizations operate. The Immigration and Nationality Act now reads that if an alien provides funding or other material support to a terrorist organization, the alien can escape deportation if he can show that he did not know that the funds or support would further the organization's terrorist activity. That is, his donation did not immediately go to buying explosives. This notion is based on a fundamental misunderstanding of how terrorist organizations operate.

As Kenneth McKune, former associate coordinator for counterterrorism at the State Department explained, ''Given the purposes, organizational structure and clandestine nature of foreign terrorist organizations, it is highly likely that any material support to these organizations will ultimately inure to the benefit of their criminal, terrorist functions, regardless of whether such support was ostensibly intended to support nonviolent, nonterrorist activities.''

Money given to terrorist organizations is fungible. Senator DIANNE FEINSTEIN has rightly stated that, ''I simply do not accept that so-called humanitarian works by terrorist groups can be kept separate from their other operations.''

I urge my colleagues to support the amendment.

Mr. GREEN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think what is interesting to listen to today are the arguments on the other side. Where they cannot win on the merits, they choose to throw up a smoke screen of process, no matter how far off point it may be. This amendment stands for a very simple proposition, those who materially support terrorists, who make the terrorist act possible by providing training, intelligence, logistics, transportation, those who materially support terrorism should not be here. They should not be allowed in this country; and if they are in this country, they should be deported. We must have this tool. If we are truly going to make this country safe, if we are truly going to disrupt terrorism before the trigger is pulled or the bomb is set, before lives are lost, we must have these tools.

Those who support terrorism intellectually through their training support and harboring terrorists, those who operate and move in the shadows of the terrorist operation, they do not belong here. They are every bit as dangerous as the one who would pull the trigger. I urge my colleagues to support this amendment. I think it is a vitally important tool in our overall effort in homeland security.

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

The CHAIRMAN pro tempore (Mr. KOLBE). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized to close for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

We do not want terrorists in this country and we certainly want to be able to identify the terrorists as everyone might expect we would want to do. This amendment is particularly overbroad, has an ability to wrap up innocent individuals, and it goes against what the administration has said. The administration strongly opposes the overbroad expansion of expedited removal authority.

Might I remind my colleagues of the unfortunate circumstances, though they are someone different, of Cat Stevens, Yusuf Islam, who came here with all innocent purposes. In fact, his last years of work have been in charitable work. Look what we tried to do with him. So many of our constituents in the United States have Muslim names and are affiliated with organizations who have good intentions but may be misconceived and therefore they are wrapped up in this expedited removal.

This is something that needs to be done in a separate, bipartisan manner, which is to have hearings, to get testimony, to understand the depth of the need and how to craft something that works. Our own chairman has indicated that we cannot by extension extend the PATRIOT Act without considerable thought and I believe it is important when we are defending our Nation to have considerable thought.

I would ask my colleagues to deny this amendment, to reject it, and I ask us to focus on restoring the sense of integrity to our intelligence system as the 9/11 Commission report argues for and the Maloney-Shays bill argues for.

I ask for a ''no'' vote on this particular amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. GREEN).

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

Mr. GREEN of Wisconsin. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. GREEN) will be postponed.

It is now in order to consider amendment No. 13 printed in House Report 108–751.

AMENDMENT NO. 13 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. 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. 13 offered by Mr. HOSTETTLER:

Page 243, beginning on line 12, strike ''and the officer determines that the alien has been physically present in the United States for less than 1 year''.

Page 244, beginning on line 7, strike ''if the officer determines that the alien has been physically present in the United States for less than 1 year''.

Page 245, line 5, strike ''the central motive'' and insert ''a central reason''.

Page 254, strike line 6 and all that follows through line 24 on page 255 and insert the following:

**SEC. 3032. DETENTION OF ALIENS BARRED FROM RESTRICTION ON REMOVAL PENDING REMOVAL.**

(a) IN GENERAL.—Section 241 of Immigration and Nationality Act (8 U.S.C. 1231) is amended by adding at the end the following:

''(j) DETENTION OF ALIENS BARRED FROM RESTRICTION ON REMOVAL PENDING REMOVAL.—

''(1) IN GENERAL.—In order to protect the United States from those aliens who would threaten the national security or endanger the lives and safety of the American people, the Secretary of Homeland Security may, in the Secretary's unreviewable discretion, determine that any alien who has been ordered removed from the United States and who is

described in subsection (b)(3)(B) is a specially dangerous alien and should be detained until removed. This determination shall be reviewed every six months until the alien is removed. In making this determination, the Secretary shall consider the length of sentence and severity of the offense, the loss and injury to the victim, and the future risk the alien poses to the community.

''(2) ALIENS GRANTED PROTECTION RESTRICTING REMOVAL.—Any alien described in paragraph (1) who has been ordered removed, and who has been granted any other protection under the immigration law, as defined in section 101(a)(17), restricting the alien's removal, shall be detained. The Secretary of State shall seek diplomatic assurances that such alien shall be protected if removed from the United States.''.

(b) SEVERABILITY.—If any amendment, or part of any amendment, made by subsection (a), or the application of any amendment or part of any amendment to any person or circumstance, is held to be unconstitutional—

(1) the Secretary of Homeland Security shall continue to seek the removal of any alien described in section 241(j)(1) of the Immigration and Nationality Act, as amended by this Act, consistent with any protection described in section 241(j)(2) of such Act; and

(2) the Secretary of State shall continue to seek diplomatic assurances that any alien described in section 241(j)(2) of the Immigration and Nationality Act, as amended by this Act, would be protected upon removal.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Indiana (Mr. HOSTETTLER) and the gentleman from California (Mr. BERMAN) each will control 5 minutes.

Mr. HOSTETTLER. Mr. Chairman, I ask unanimous consent to extend the debate on this amendment to 20 minutes, equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. HOSTETTLER) and the gentleman from California (Mr. BERMAN) each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

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

I urge my colleagues to support this amendment. It is supported by leadership, including Chairman HENRY HYDE, and will protect the American people from dangerous aliens while continuing our Nation's proud history of providing refuge to the innocent oppressed. This amendment will protect the American people in the same way as section 3032, which it replaces, would have. Section 3032 would have barred aliens who posed a threat to the American public from seeking our country's protection.

The courts have created a need to defend the American public against such aliens. You see, the decisions of a few judges have turned what was a clear congressional mandate authorizing the detention of dangerous aliens who are facing removal into a confused and unworkable mess. Congress has authorized the Attorney General to detain all aliens who pose a risk to the community, including aliens granted protection under the Convention Against Torture, until they can be removed from the United States. The Supreme Court has read this provision, however, to find that any alien who has been ordered deported but who cannot be removed must be released, no matter how grave a danger the alien poses, unless some ''special circumstance'' makes the alien especially dangerous.

Congress' clear standard has eroded to the point that the Ninth Circuit Court of Appeals ordered Department of Homeland Security authorities to release a dangerously insane alien who had accumulated convictions for assault, harassment and rape. Why? Because the Supreme Court had released a killer in the same circumstances, and the alien in the Ninth Circuit Court of Appeals' case had not actually killed anyone. Under such logic, DHS cannot protect the public against an alien who has been granted torture convention protection and who therefore cannot be removed from the United States unless the alien has done something more serious than killing another person.

This amendment will address the goals of section 3032 by giving the Secretary of Homeland Security the tools to keep dangerous aliens granted protection under the torture convention out of our communities, off of our streets, and away from our children. It will authorize the Secretary, in his unreviewable discretion, to detain aliens granted such protection who pose a risk to the American people. In addition, this amendment will continue our Nation's tradition of providing aliens the opportunity to request asylum and torture convention relief while at the same time ensuring that our country's generosity is not abused.

It would also amend section 3007 to reinforce the current burdens governing asylum, with one exception. Aliens who claim that they need asylum because they have been accused in connection with terrorist, militant or guerilla activity must show that race, religion, membership in a particular social group, nationality or political opinion is a central reason for any claimed persecution. This amendment will protect innocent aliens who come to our shores fleeing thugs and dictators, while undoing an inappropriate burden imposed on our government by, once again, the Ninth Circuit Court of Appeals.

Contrary to law and logic, the Ninth Circuit has required the government to prove that aliens claiming persecution because they have been tied to terrorism are not eligible for asylum, instead of requiring the aliens seeking protection to show that they are. My subcommittee has discovered that Hesham Hedayet, who killed two innocent bystanders at LAX on July 4, 2002, had tried to exploit this loophole.

I must underscore again, however, the most important effect of this amendment which is to give the Secretary of Homeland Security the discretion to detain aliens who would pose a risk to the American people if released.

I urge my colleagues to support this amendment.

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

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we are about to embark on the debate on three amendments dealing with three provisions of this bill that are very important and I think the House should try to understand the context, so I would like to use this initial time just to sort of set the table.

The majority in putting forth this bill on the floor used intelligence reform and the compelling and legitimate concern about terrorism to insert three obnoxious, overbroad and overreaching provisions that flagrantly violate our convention against torture, which the United States has signed and ratified, and threaten to send people who are likely to be tortured back to their countries that will torture them; to engage in a process that allows a massive deportation of people, having nothing to do with terrorism, who are in this country for less than 5 years, through expedited removal, in a fashion that will not allow them a hearing, this is section 3006, that will not allow them a hearing, that will not allow them to contact their families, that will require them to establish they are either here legally or have been here for more than 5 years by the documents on their person, and, if not, to be detained and immediately removed from this country, in total and in flagrant violation of existing processes, taking a legitimate idea of expedited removal at our points of entry and in establishing it to the country in its entirety throughout its interior and to anyone who is here less than 5 years.

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Then, finally, in section 307 to massively alter the procedures and tests for getting asylum in such a way as to fundamentally depart from this country's tradition as a haven for refugees and people fleeing because of a well-founded fear of persecution, based on their politics, their gender, their religion, their ethnicity. These are horrible provisions. They have nothing to do with terrorism.

Now we have an amendment offered by the gentleman from Indiana after the White House counsel wrote the toughest letter we have seen saying the notion that America is going to send somebody back to a country where they are likely to be tortured is unconscionable, we do not support it, we do not ask for this provision. He offers an amendment, which is a smokescreen, a total smokescreen, that tries to pretend that we are getting out of this problem by making amendments to three sections, notwithstanding the fact that if his amendment were to pass and the Smith amendments that follow his amendment to strike sections 306 and 307 were to lose, every one of these problems would still exist.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman from Indiana for yielding me this time.

Because of the strange conflict in current law, terrorists and criminals who are not citizens of our country but for some reason get here are, in fact, being released into our society. There are three amendments, as the gentleman from California (Mr. BERMAN) pointed out. I think it is better to debate them one at a time. That is why we do that. We are going to vote on them one at a time.

This amendment is an important amendment because it deals with that specific problem. I cannot believe anyone in this House would want violent criminals from other countries who somehow get here to be able to be released in our country. This amendment allows that those criminals would be detained.

There is a great example of a Jordanian who was convicted in Jordan of conspiracy to bomb a Jordanian school for American children. He is convicted of a conspiracy where his goal, his target, was to kill American children. He somehow got to this country.

Under the current interpretation of the courts, we cannot send him back to Jordan because he might be tortured, but we also cannot detain him. So in that interpretation this person is likely to be set free in some community in the United States, a person who is conspiring to kill American children in Jordan. So we would put him in a community of the United States that is full of American children, nobody but American children, to kill in that community? That cannot be allowed.

What the gentleman from Indiana's (Mr. HOSTETTLER) amendment does is address the concern that we all would have about sending anybody into a place where they would be punished in a way that we would think was not appropriate.

I have got to tell my colleagues the appropriateness to this body and anywhere else and even as we would talk personally of a punishment for some whose target was to kill American children, it is hard to imagine how that punishment could be too difficult, but that is not what we are about in this society. So this amendment would allow that person to be detained.

If one catches a rattlesnake on one's farm, they do not look at it and say, this is definitely a rattlesnake, let us go up and release it in the front yard. What this amendment does is say, if they catch that rattlesnake and they say we are going to be able detain this rattlesnake, even though he did not commit his crime in the United States. We are not going to let this criminal who was, in this case, targeting American children, in other cases might be a murderer, in other cases might be a rapist, in other cases might be a pedophile, we are not going to let this person go and release him in our community simply because we have no place to send him back to and he did not commit the crimes that there was an agreement that he committed in the United States.

This is a good amendment. It improves this bill. But the underlying bill was designed to deal with the concern that we could not find an adequate way to deal with until the gentleman from Indiana (Mr. HOSTETTLER) worked hard to come up with this amendment.

I urge support for this amendment. We are debating these and voting on them one at a time. I urge that this amendment be adopted.

Mr. BERMAN. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. CONYERS)

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

Mr. CONYERS. Mr. Chairman, I reluctantly rise to tell the gentleman from Indiana (Mr. HOSTETTLER) of the Committee on the Judiciary that this breaks our deadlock, but it simply does not go far enough; and I am hoping that he will carefully consider the arguments being made by his colleagues, particularly on the Committee on the Judiciary, to see why it is that we think that even the Hostettler amendment can be approved.

I rise in strong opposition to this amendment. the Hostettler Amendment allows for some of the broadest and most damaging immigration changes we will have passed in several decades, and will decimate legal protections in our laws of expedited removal, asylum, and extraordinary rendition and torture.

Expedited removal (Section 3006)—The Hostettler Amendment would amend the immigration laws to permit summary deportations for persons who cannot prove that have physically been in the U.S. for more than 5 years. While the amendment deletes the provision that would have applied this summary deportation provision to asylee applicants, it still suffers from several glaring loopholes that would result in deserving immigrants facing the legal nightmare of summary deportation. Groups who would lose legal protections under the Hostettler Amendment include:

Trafficking victims, and victims of rape, incest, kidnaping, and domestic violence. Currently, the Trafficking Victims Protection Act allows these victims to remain in the U.S. so they are not subject to further violence and abuse. Under the Hostettler amendment, trafficking victims and other victims of rape, incest and kidnaping would be subject to mandatory deportation.

Batterred women and children. The Violence Against Women Act provides that battered immigrant women and children are permitted to remain here, so they are not forced to face further battering and violence. Under the Hostettler amendment, these immigrants could be plucked off the street and subject to mandatory deportation.

Cubans who arrive in the U.S. by sea or by land. Currently, the Attorney General has only discretionary power to exempt Cubans who arrive in the U.S. via land or sea from expedited removal. Under the Hostettler amendment, this discretionary power would again be obviated by the mandatory requirement of expedited removal. This would mean that Cubans who arrive at our shores would face automatic summary deportation

Asylum (Section 3007)—Under the Hostettler amendment, the rights of all asylum candidates would be impaired, decimating our historic commitment to refugees and persecuted immigrants. Among other things, the Hostettler Amendment would:

Require an asylum applicant to prove that a central reason for his or her being persecuted was race, religion, nationality, membership in a particular social group, or political opinion; a far more difficult evidentiary burden than current law.

Permit adjudicators to deny asylum because the applicant is unable to provide specific corroborating specific, and deny judicial review of such denials.

Introduce brand new credibility grounds for denying asylum, such as "demeanor," any inconsistency in statements (even if attributable to fear of retribution), and other subjective grounds that introduce new cultural barriers to asylum, particularly for traumatized victims of torture and violence.

Exclude country conditions from human rights organizations, journalists, and other relevant, reliable and more recent information than may be obtained from State Department reports.

Extraordinary Rendition/Torture (Section 3032)—The Hostettler Amendment would also allow immigrants to be returned to countries where they could be tortured in violation of the Convention Against Torture. This is because the amended provision would allow our government to send an individual to a country with a history of human rights violations even if a U.S. immigration judge has determined he or she would face torture, as long as the Secretary of State had merely asked the country if they would agree not to torture the immigrant. In essence, we would be substituting the judgment of a foreign diplomat from Syria, China or the Sudan, for that of a judge in the U.S., with the immigrant facing excruciating torture if the judge was right.

Another problem with the Hostettler Amendment is that it would create unreviewable authority on the part of the DHS to detain noncitizens who are found to be at risk of torture or persecution in their home countries.

The Hostettler amendment is opposed by a wide range of human rights, civil liberties and immigration groups, including the ACLU, the American Immigration Lawyers Association, Amnesty International, the Center for Victims of Torture, the Hebrew Immigrant Aid Society, Human Rights Watch, the US Committee for Refugees, the National Council of La Raza and the U.S. Conference of Catholic Bishops. I urge No vote.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

In response to the last speaker, he demonstrated why it is a smokescreen. The issue of criminal aliens is a serious issue which we should have to deal with; so they insert that into the Hostettler amendment. But what they do is leave a gaping loophole whereby a country that utilizes torture gives assurances to the United States and therefore gets back the person whom they are going to torture.

Mr. Chairman, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to the Hostettler amendment. The Hostettler amendment amends the ill-considered and counterproductive torture provisions in H.R. 10 in a way that still allows foreigners to be subjected to torture.

How does it do this? The Hostettler amendment gives the Secretary of Homeland Security the power to detain certain foreigners that, ''in the Secretary's unreviewable discretion,'' the Secretary has determined to be a specially dangerous alien that should be detained until removed. Such persons would be held behind bars indefinitely with no recourse to a court or another independent fact finder empowered to review the basis for the Secretary's decision. Any foreign person that the Secretary of Homeland Security decides is ''especially dangerous'' can just be locked up forever with no trial or just deported.

And the Hostettler amendment stipulates that the ''Secretary of State shall seek diplomatic assurances that such alien shall be protected if removed from the United States.'' That means that the State Department is supposed to seek diplomatic assurances from a country that it will not torture somebody after a U.S. judge already has found that this country likely would, in fact, torture that person. Are we really going to trust the assurances of the countries that our own State Department says torture detainees?

Mr. Chairman, we should really call this the ''In Syria we trust'' amendment or perhaps the ''In Sudan we trust'' amendment. The assurances that these countries have provided that they would not torture have proved completely unreliable in practice.

In 2002, Maher Arar, a Syrian-born citizen, was intercepted at New York's JFK Airport and deported to Syria, where he was detained and reportedly tortured. The Washington Post has reported that while Syria provided ''diplomatic assurances'' that Arar would not be mistreated, these assurances proved worthless. Maher Arar was tortured anyway.

America should not be outsourcing torture to countries like Syria and the Sudan. America should be relying not on diplomatic assurances from countries that we already know practice torture, particularly when a U.S. judge has already found that it is more likely than not that the deported person would be tortured if they were sent there.

We as America cannot preach temperance from a bar stool. If we want to protect our own Marines and soldiers from torture, we must have the same standard for protecting prisoners that we have under our control from torture. We cannot build a new generation of nuclear bunker busters and then tell the Muslim nations they should not want nuclear weapons, and we cannot tell the Muslim world not to torture American prisoners at the same time we are sending Muslim detainees to countries that we know are going to torture those prisoners.

We cannot exist in a world where the United States is not the moral leader. This amendment must be defeated.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), distinguished chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Hostettler amendment, which I believe deals with the issue of compliance with the torture amendment in a humane manner that will safeguard the safety of the American people.

Let me say why this is necessary. Under current law, as interpreted by the courts, a criminal who has committed a crime or conspired to commit a crime in another country, or someone who is on a terrorist watch list can come to the United States. When they get here, they claim asylum. It takes a while to adjudicate asylum applications.

They also can say if he is immediately deported, then he would be tortured if he went back home. So the way it stands now under the current law, that person would be out in society free to commit crimes, free to commit terrorist acts until the time comes for the asylum hearing. And then if the person were found not to be eligible for asylum, they still could not be deported if they thought that they would be tortured when they come back home.

So if we cannot send them home under the torture convention, and that is the case in many Middle Eastern countries, and we cannot detain them, then they are out on the street posing a danger to society.

What the Hostettler amendment does in this circumstance is say that they can be detained. And there are procedural safeguards in the Hostettler amendment that set up standards for detention and require a review every 6 months. If my colleagues vote against this amendment, they are going to have these people out on the street.

They should not be out on the street. They should be detained or deported. If we cannot deport them, then let us give the Department of Homeland Security the authority to detain them. Pass the amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), ranking member of the Immigration, Border Security, and Claims Subcommittee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership. I thank the chairman of the subcommittee and the chairman of the full committee for their comments.

I agree with the chairman of the full committee. Keep them, detain them here. The problem with this amendment is that it is subjected to persons who are not terrorists. It is subjected to persons who can cause harm but are not terrorists. This is the problem.

The White House has already said that the President of the United States opposes provisions dealing with sending people to places where torture occurs. The President made it clear that the United States stands against and will not tolerate torture and that the United States remains committed to comply with its obligations under the convention against torture and other cruel, inhuman, or degrading treatment or punishment.

The amendment offered by the gentleman from Indiana amendment does not solve the problem. It requires, or asks, the Secretary of State to simply ask a country not to torture the individual. Do my colleagues believe that Sudan would comply with that? That is not the case. This amendment is subjected to mistake.

Let me just read Cat Stevens: ''I am a victim.'' Although the circumstances are different, he was yanked off a Washington-bound plane and sent home. The singer, formerly known as Cat Stevens, says he became the victim of an ''unjust and arbitrary system.'' This is what we are passing now.

''I was devastated,'' he wrote. ''The unbelievable thing is that only 2 months earlier, I had been having meetings in Washington with top officials from the White House Office of Faith-Based and Community Initiatives to talk about my charity work.''

The real key in this amendment is that we should deal with this question in another separate opportunity to really address this in a fair manner. This amendment will be a wide, wide, wide net, and what will happen with this net? Innocent persons will be forced to places where they will be tortured.

The President is standing up against it. We stand up against it. I will simply argue that this is not the appropriate vehicle to use. This goes against the convention against torture, and I ask my colleagues to consider a high moral ground in this and to vote against the amendment. We must also support the two Smith of New Jersey amendments to eliminate the very bad H.R. 10 provisions subjecting deported persons to possible torture against the convention against torture.

This amendment would make minor changes to the expedited removal provisions in section 3006, but we need more than minor changes. We need to eliminate expedited removal proceedings entirely. Expedited removal proceedings are conducted by immigration officers who are not even attorneys. There is no hearing before an immigration judge, no right to counsel, and no appeal. Nevertheless, despite this complete absence of due process, someone removed from the United States in expedited removal proceedings is barred for 5 years from returning.

The amendment also would modify section 3032 to specify that people who have received

CAT relief or withholding of removal may be detained indefinitely if they are dangerous. The authority to detain dangerous aliens indefinitely already exists.

In *Zadvydas* v. *Davis*, 533 U.S. 678 (2001), the United States Supreme Court held that the detention provisions in the Immigration and Nationality Act, read in light of the Constitution's demands, limit an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States. The Supreme Court found further that once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute—except where special circumstances justify continued detention, such as when it is necessary to protect the public.

In response to that Supreme Court decision, the former Immigration and Naturalization Service promulgated regulations for determining the circumstances under which an alien may be held in custody beyond the statutory removal period. 8 C.F.R. §241.4. These regulations authorize the Government to continue to detain aliens who present foreign policy concerns or national security and terrorism concerns, as well as individuals who are especially dangerous due to a mental condition or personality disorder, even though their removal is not likely in the reasonably foreseeable future.

If we are going to establish a statutory criterion for deciding when indefinite detention is warranted, we need to have a hearing first. An unwise or inadequate criterion will result in people being detained indefinitely who should be released from custody. We need to proceed with caution on this matter.

I urge you to vote against this amendment.

□ 1115

The CHAIRMAN pro tempore (Mr. KOLBE). There is 1 minute remaining on each side. The gentleman from California (Mr. BERMAN), as a member of the Committee on the Judiciary and in opposition, has the right to close.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I would like to at this time state that the administration, as a result of the amendment to section 3032, has said that they favor the change in my amendment.

Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I think it is important that we realize that this amendment, while not perfect, it is extremely important that it pass. I am very supportive of the Smith amendments that will be debated shortly. But what this amendment does is it keeps us, the United States of America, in compliance with the convention against torture, allowing us, obviously, not to, in order to be in compliance with the convention against torture, not to deport people to places where they will be tortured. But it also gives discretion to the Secretary of Homeland Security to detain, to keep under detention, terrorists, murderers, rapists, child molesters, and a limited list of other serious criminals.

To comply with the convention against torture, it is important that we pass this amendment.

I thank the gentleman from Indiana (Mr. HOSTETTLER) for his hard work.

Mr. BERMAN. Mr. Chairman, I yield myself the remaining time.

I am going to vote against the Hostettler amendment because, number one, it is a smokescreen by pretending to fix 3006 and 3007, the amendments that will follow this amendment when we come back to the Committee of the Whole; and, secondly, because it has a glaring loophole involving assurances from the torturing country that they will not torture. That means it is still in violation of the Convention Against Torture. Members will decide how they are going to vote on that particular amendment.

The point I want to make most of all is do not fall for the trap which is being set by this amendment that the Smith amendments to 3006 and 3037, that have nothing to do with terrorism and that allow for mass deportations with no due process and which fundamentally change our asylum laws, do not fall for the trap that by pasting the Hostettler amendment you have cured the defects in those provisions. Be sure to vote for the Smith amendments and against those provisions when they come up.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The amendment was agreed to.

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 No. 4 offered by Mr. KIRK of Illinois, Amendment No. 5 offered by Mr. SESSIONS of Texas, Amendment No. 8 offered by Mr. CARTER of Texas, Amendment No. 11 offered by Mr. GOODLATTE of Virginia, Amendment No. 12 offered by Mr. GREEN of Wisconsin.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. KIRK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Illinois (Mr. KIRK) 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 vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 18, as follows:

[Roll No. 512]

AYES—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
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
Clyburn
Coble
Cole
Collins
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
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
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
Kilpatrick
Kind
King (IA)
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
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
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
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—18

Boehlert
Clay
Conyers
Culberson
Filner
Gephardt
Hinojosa
Lipinski
Majette
Matsui
McCarthy (MO)
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. ADERHOLT) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1142

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MCCARTHY of Missouri. Mr. Chairman, on rollcall No. 512, I was unavoidable detained at a doctor's appointment. Had I been present, I would have voted "aye."

Mr. FILNER. Mr. Chairman, on rollcall No. 512, I was in my Congressional District on official business. Had I been present, I would have voted "aye."

AMENDMENT NO. 5 OFFERED BY SESSIONS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) 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 385, noes 30, not voting 17, as follows:

[Roll No. 513]

AYES—385

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
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 (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
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
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
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
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
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)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
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
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—30

Blumenauer
Carson (IN)
Farr
Grijalva
Hastings (FL)
Holt
Honda
Jackson (IL)
Kildee
Kucinich
Lee
Lewis (GA)
Markey
McCarthy (MO)
McCollum
McDermott
Mollohan
Oberstar
Olver
Payne
Rangel
Roybal-Allard
Sabo
Scott (VA)
Solis
Stark
Velázquez
Waters
Watt
Woolsey

NOT VOTING—17

Boehlert
Cox
Culberson
Filner
Gephardt
Hinojosa
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Ruppersberger
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1152

Mr. KUCINICH and Mr. BLUMENAUER changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 513, I was in my Congressional District on official business. Had I been present, I would have voted "aye."

AMENDMENT NO. 8 OFFERED BY MR. CARTER

The CHAIRMAN pro tempore (Mr. ADERHOLT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CARTER) 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 344, noes 72, not voting 16, as follows:

[Roll No. 514]

AYES—344

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
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
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
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
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoeffel
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—72

Abercrombie
Baldwin
Becerra
Berman
Blumenauer
Capuano
Carson (IN)
Clay
Conyers
Davis (IL)
DeGette
Delahunt
Ehlers
Farr
Fattah
Frank (MA)
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hoekstra
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kildee
Kilpatrick
Kleczka
Kucinich
Lee
Levin
Lewis (GA)
Lofgren
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
Meeks (NY)
Millender-McDonald
Miller, George
Mollohan
Nadler
Napolitano
Oberstar
Olver
Owens
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Smith (NJ)
Solis
Stark
Tierney
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—16

Boehlert
Culberson
Filner
Gephardt
Hinojosa
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Obey
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1202

Mr. RUSH, Mr. SMITH of New Jersey, Ms. LINDA T. SÁNCHEZ of California, Mr. WAXMAN and Mr. SHERMAN changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 514, I was in my Congressional District on official business. Had I been present, I would have voted "aye".

AMENDMENT NO. 11 OFFERED BY MR. GOODLATTE

The CHAIRMAN pro tempore (Mr. ADERHOLT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) 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 333, noes 84, not voting 15, as follows:

[Roll No. 515]

AYES—333

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
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
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick

Napolitano
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Osborne
Ose
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Vitter
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—84

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Blumenauer
Brown (OH)
Capps
Carson (IN)
Clay
Conyers
Davis (IL)
DeGette
Delahunt
Dicks
Dingell
Doggett
Farr
Fattah
Frank (MA)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Jones (OH)
Kilpatrick
Kucinich
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren
Maloney
Markey
McCarthy (MO)
McDermott
McGovern
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Nadler
Neal (MA)
Oberstar
Olver
Otter
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Smith (WA)
Solis
Stark
Strickland
Tierney
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Woolsey

NOT VOTING—15

Boehlert
Culberson
Filner
Gephardt
Hinojosa
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1212

Mr. RUSH, Mrs. MALONEY, and Mr. DICKS changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 515, I was in my congressional district on official business. Had I been present, I would have voted "aye".

AMENDMENT 12 OFFERED BY MR. GREEN OF WISCONSIN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. GREEN) 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 283, noes 132, not voting 17, as follows:

[Roll No. 516]

AYES—283

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
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
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Clay
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley (CA)
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn

NOT VOTING—17

Boehlert
Culberson
Filner
Gephardt
Hinojosa
Johnson, E. B.
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Sullivan
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1220

Mr. WYNN changed his vote from ''aye'' to ''no.''

Mr. SHAYS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 516, I was in my congressional district on official business. Had I been present, I would have voted "no".

Mr. HUNTER. 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. TERRY) having assumed the chair, Mr. ADERHOLT, 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.

## CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HUNTER submitted the following conference report and statement on 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

(Conference report will be printed in Book II of the RECORD.)

## REQUESTING THE SENATE TO RETURN TO THE HOUSE OF REPRESENTATIVES S. 1301

Mr. HUNTER. Mr. Speaker, I offer a privileged resolution (H. Res. 842) requesting return of official papers on S. 1301, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 842

*Resolved*, That the Clerk of the House of Representatives request the Senate to return to the House the bill (S. 1301), an Act to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## 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.

□ 1222

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. ADERHOLT (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, the amendment numbered 12 printed in House Report 108–751 by the gentleman from Wisconsin (Mr. GREEN) had been disposed of.

It is now in order to consider amendment No. 14 printed in House Report 108–751.

AMENDMENT NO. 14 OFFERED BY MR. SMITH of new jersey

Mr. SMITH of New Jersey. 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. 14 offered by Mr. SMITH of New Jersey:

Strike section 3006 (page 242, line 18 through page 244, line 9) and redesignate provisions and conform the table of contents accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, section 3006 would make one of the most sweeping, unfair changes in immigration policy in the last decade and, if enacted, would pose life-threatening consequences for asylum seekers, trafficking victims, men, women and children. Section 3006 would radically alter existing law with respect to expedited removal, and it would mandate that any noncitizen found in the U.S. be summarily deported if an immigration officer determined that the person had not been inspected upon entry to the country and could not prove to the immigration officer that he or she had been living in the U.S. for more than 5 years.

This mandate, Mr. Chairman, effectively transforms what was a discretionary program managed by Homeland Security and requires them to impose this procedure anywhere, including in the interior of the U.S.

Section 3006 would be especially harmful for women and children who are escaping a range of gender-related persecutions such as rape, sexual slavery, trafficking and honor killings since persons scarred by such trauma often require time before they can step forward to express their claims.

Mr. Chairman, section 3006 would provide for a super-expedited process of removing these people from the United States, with virtually no right of review, thus eviscerating protections that Congress has provided over the last several years for such victims in the Victims of Trafficking and Violence Protection Act which I was the prime sponsor of and is the law of the land.

Mr. Chairman, I want all of my colleagues to know that President Bush, in his SAP which came out yesterday, made it very clear that he is against this provision. The Bush administration wants this out. I call on Members on both sides of the aisle, Democrats and Republicans, to vote for my amendment which would strip it. Also, there are some 40 organizations, the U.S. Catholic Conference of Bishops; National Association of Evangelicals; Refugees International; and Human Rights First—a whole array from the left, right, middle, and everywhere else, who say this is an unwarranted change, an unfair change in our immigration policy. It does not belong in here. The 9/11 Commission did not ask for it.

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

Mr. Chairman, this is not an issue of humanitarian application of our immigration refugee laws. It is an issue of securing our borders. None of the people the gentleman from New Jersey described would be subject to this if they have come to the United States and entered legally with a claim of persecution under the Refugee Act or a claim of asylum because of what is going on in their home country.

Simply stated, the amendment of the gentleman from New Jersey would strike the expedited removal provisions of this bill. The expedited removal provisions say that the provision of existing law shall be used when the INS picks up somebody who is illegally in this country and who has not been here for 5 years or more.

What is going on is that there are a lot of non-Mexicans that are coming across the southern border. Many of these people come from the Middle East. Without having the expedited removal procedures that are contained in this law, we are stuck with these people. This is a tremendous security threat to the United States. And what the provision that the gentleman from New Jersey seeks to strike is a provision that says that you do not have to jump through all kinds of legal hoops to get these people who have illegally entered the United States out of our country or who have entered legally and have overstayed their visas. It is as simple as that. This is a question of border security. It is not a question of persecuting all of the list of people that the gentleman from New Jersey talked about.

If you want secure borders in this country, the only vote on the Smith amendment is "no."

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to my good

friend and colleague, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, my friend, the chairman of the Committee on the Judiciary, says this is a matter of security. The Bush administration and George Bush say this is a massively overbroad expedited removal expansion. The President of the United States in January of this year gave a speech where he said the vast majority of these people ''bring to America the values of faith in God, love of family, hard work and self-reliance.''

If this amendment does not pass, this bill, because a group of people in the majority party in a caucus led by the gentleman from Colorado (Mr. TANCREDO) wants to glom their anti-immigration ideas onto a terrorism and intelligence reform bill, that these people will be deported, up to a million, without due process, without an administrative hearing, without a balancing process that deals with earned adjustment or with guest workers or with anything else. It is the forcing of an anti-immigration agenda onto an intelligence and homeland security reform bill.

We are talking here about victims of trafficking, Cubans fleeing Castro, battered women eligible for VAWA protection. We are talking about people who are classic refugees who will be picked up in this process; they will never have a chance to assert their asylum claims, people who will be subject to torture. You can say you adhere to every convention in the world on refugees and on torture, but if you summarily allow low-level enforcement officers in the Immigration and Customs Enforcement agency or in the Border Patrol to pick people up, take them out of the country, not let them tell their families they are being deported, insisting that they prove their credentials by the documents they have on their body at that time, that means either legal citizenship or legal residents or being here more than 5 years, you are subject to deportation, immediately, summarily, without any chance for judicial review and administrative hearing, any process whatsoever.

Please support the Smith amendment. It is very important.

□ 1230

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, it is really unfortunate that this provision is in the base bill. It lumps the base bill, as written, all immigrants who may be accused of being undocumented who have been here for 5 years or less, with terrorists.

The current law says, if they are a terrorist, there is no limitation on time. They are picked up, and if they are not arrested, they are thrown out without a hearing. It also says, if they are an undocumented immigrant, within 2 years they can be picked up and sent out without a hearing. That is current.

This expands it to 5 years even though the 2 years of current law is not being used.

There is a border initiative that has been announced. Many other initiatives can be announced under current law. But, no, we want to expand it to 5 years and say that folks who are working in restaurants or folks that are cutting the grass or folks that are doing something that is very honorable and has nothing to do with terrorism are now going to be lumped together to say, even if they have a claim to stay in this country, they do not even have a hearing. They cannot even have a hearing and they are going to be thrown out.

And, by the way, it is not even ''may.'' It is ''shall.'' That is what we are talking about. And it is most unfortunate that in the context of a terrorism bill we have this language.

Vote for the Smith amendment.

Mr. SENSENBRENNER. Mr. Chairman, parliamentary inquiry. Has the time of the gentleman from New Jersey expired?

The CHAIRMAN pro tempore (Mr. ADERHOLT). The gentleman from New Jersey's (Mr. SMITH) time has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. HOSTETTLER), chairman of the Immigration, Border Security, and Claims Subcommittee.

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

Mr. HOSTETTLER. Mr. Chairman, I thank the chairman of the full committee for yielding me this time.

I join the gentleman from Wisconsin (Chairman SENSENBRENNER) in opposing this amendment, which would take a vital tool out of the hands of our Border Patrol in keeping foreign terrorists out of the United States.

As it is distressingly easy for aliens to illegally cross our borders, it would also be relatively easy for terrorists to enter. The Border Patrol recently released data that in just the period from last October through this June, over 44,000 non-Mexican aliens were caught trying to cross the northern or southern borders, including eight from Afghanistan, six from Algeria, 13 from Egypt, 20 from Indonesia, 10 from Iran, 55 from Israel, 122 from Pakistan, six from Saudi Arabia, six from Syria, 22 from Turkey, and two from Yemen. A South African woman alleged to be a terrorist on the terrorist watch list recently indicated that she had crossed the border illegally from Mexico.

What happens to these aliens when they are intercepted? They go through a ''revolving door'' when we release them because of a lack of detention space. Then we hold out some desperate hope that they will appear for their immigration court hearings months afterward. However, the Department of Justice's Office of the Inspector General found that the INS was not able to remove 87 percent of aliens with final orders of removal who were not detained. And, worse yet, 94 percent of nondetained aliens from state sponsors of terrorism who had final removal orders could not be located for their deportation. In an age of terrorism, this is just unacceptable.

There is no good reason not to subject illegal aliens who have crossed the border illegally to immediate deportation. These aliens, if they have been in the U.S. less than 10 years, have no right to seek cancellation of removal unless they are making a claim of asylum. Once again, unless they are making a claim of asylum and can show a credible fear of persecution, there is no reason not to subject them to expedited removal.

And, in fact, the amendment that just recently passed in the House, previously, removes the 1-year limitation in the base bill for convention against torture and asylum relief. So those who seek relief from convention against torture and for asylum will not be harmed by the bill.

So the amendment must be rejected so that we can allow for the expedited removal of individuals who would do us harm. I urge my colleagues to vote against the amendment.

Ms. JACKSON LEE of Texas. Mr. Chairman, I rise in favor of Mr. SMITH's amendment. This amendment would eliminate section 3006, which contains the expedited removal provisions of H.R. 10. Expedited removal proceedings are conducted by immigration officers who are not even attorneys. There is no hearing before an immigration judge, no right to counsel, and no appeal. Nevertheless, despite this complete absence of due process, someone removed from the United States in expedited removal proceedings is barred for 5 years from returning.

In fact, section 3006 would make expedited removal proceedings even harsher than they already are. When aliens are placed in expedited removal proceedings now, they have been in the United States for less than a year and can apply for asylum if they are able to establish a credible fear of persecution. Section 3006 would place undocumented aliens in expedited removal proceedings who have been in the United States for up to 5 years, and it would deprive them of the right to apply for asylum if they have been here for more than a year and have not filed an asylum application yet, even if they can establish a credible fear of persecution.

It is true that aliens in full due process removal proceedings before an Immigration Judge also are barred from applying for asylum if they have been in the United States for a year and have not already filed an asylum application, but it is not an absolute bar. The alien may still apply for asylum if he can demonstrate the existence of changed circumstances which materially affect his eligibility for asylum, or he can show extraordinary circumstances relating to the delay in filing the application within the one-year period. If people who have been in the United States for more than a year are going to be subjected to

expedited removal proceedings, the same exceptions should be available to them for filing an asylum application after the 1-year period.

The fact that section 3006 would apply the 1-year time limit without the exception that was enacted with it is a clear indication of the intention of that section, which is to move people out of the country as quickly as possible without regard to the consequences. It is a certainty that this will result in sending people to countries where they will be persecuted.

I urge you to vote for this amendment to remove section 3006 from H.R. 10.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

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

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) will be postponed.

It is now in order to consider amendment No. 15 printed in House report 108–751.

AMENDMENT NO. 15 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. 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. 15 offered by Mr. SMITH of New Jersey:

Strike section 3007 (page 244, line 10 through page 247, line 18) and redesignate provisions and conform the table of contents accordingly.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, section 3007 would make sweeping changes, again, to our asylum law that the drafters erroneously contend would stop terrorists from being granted asylum. I think Members should remember that under the Immigration and Nationality Act, terrorists are ineligible for asylum. Worse than being unnecessary, Mr. Chairman, this section would erect a number of brand-new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States, and they will result in bona fide refugees being returned to their persecutors. This stacks the deck against refugees.

Let me just point out to my colleagues that in section 3007, asylum officers and immigration judges would be encouraged to deny an asylum claim simply because the applicant was unable to recall or recount information later in the process that she did not mention when she initially encountered an immigration officer. Asylum applicants, particularly survivors of torture, rape, forced abortion or sterilization may not be comfortable telling this information to a uniformed male inspection officer at an airport. Asylum applicants in that setting may not be provided with appropriate interpreters and may be understandably fearful of discussing their problems about their home countries in detail. They are frightened people, especially trafficking victims.

In section 3007 there is also, amazingly, a demeanor standard which flies in the face of our American standards. If somebody looks down during the asylum interview and does not somehow convey honesty, when one has been tortured, when they have been a victim of trafficking, when they have been hurt emotionally, psychologically, and physically, they could be denied asylum. Sometimes, talking to somebody who is a uniformed member of our service, they may be intimidated.

Also, and this is the central problem with this language, Mr. Chairman, it changes what is in the Refugee convention. There are five reasons why people can get asylum: race, nationality, religion, the Members know what they are. This changes it so that the applicant must prove it is the central reason. Asking asylum seekers to read the minds of their persecutors is absurd on its face. This will mean many people who are true asylum seekers, that should get it, will not get it.

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

Mr. Chairman, I want to quote from the 9/11 Commission staff report entitled 9/11 and Terrorist Travel. The staff found that a number of terrorists have abused the asylum system and that once terrorists have entered the United States, their next challenge was to find a way to remain here. The primary method was immigration fraud, concocting bogus political asylum stories when they arrive.

This amendment strikes a good-faith effort to try to prevent these people from gaming the system.

The 9th Circuit Court of Appeals, which deals with the border States of Arizona and California, has made it difficult for immigration judges to deny fraudulent asylum application by terrorists and simply by scam artists. In their recent decisions, the 9th Circuit has failed to give deference to the adverse credibility determination of immigration judges in asylum cases, and as a result, many fraudulent applications have been approved.

The role of an appeals court is not to make a judgment on the credibility of the witnesses. That is done by the trial court. And here the immigration judges have determined that some of these applicants have no credibility, and yet the 9th Circuit says their determination really does not mean anything.

Even worse, the 9th Circuit has created a disturbing precedent that has made it easier for suspected terrorists to receive asylum. The Circuit has held that punishment inflicted on account of perceived membership in a terrorist group may constitute persecution on account of the political opinion of that terrorist group. Aliens who have been arrested in the United States on suspicion of being members of terrorist organizations have received asylum because of alleged fear of persecution if returned because of an affiliation with these groups. Talk about circular reasoning.

A member of the Board of Immigration Appeals complains that if a terrorist organization arose in this country aimed at the violent overthrow of the Federal Government through a program of murder of government and law enforcement officials and federal judges, it would appear that government suppression of this organization would be an act of persecution in the 9th Circuit. Being a guerilla is not a form of political opinion. Being a guerrilla means being engaged in acts of violence and illegality.

All the bill does is overturn the precedent of the 9th Circuit and provide a list of factors that an immigration judge can consider in assessing the credibility of the applicant, such as the demeanor, candor, and consistency of the witness.

What the gentleman from New Jersey is proposing to do is to say that if the witness has bad demeanor, no candor, and no consistency, they have got to grant the petition for asylum. And that is wrong and the amendment should be defeated.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, with all due respect to the chairman of the Committee on the Judiciary, whom I have great respect for, that is not what the effect of the Smith amendment would be.

There is a long tradition, based on international and domestic law and jurisprudence, that establishes the right to seek political asylum when there is a well-founded fear of persecution. In addition, our laws are clear that membership in any terrorist organization or activity in a terrorist organization automatically bars them even if they have a well-founded fear of persecution.

So what this legislation, the base bill, does is go much farther than what the opponents of the Smith amendment have portrayed up to now. And the reality of the matter is that when the law is as clear with regard to terrorism, and certainly as it has been in recent years, it is unfortunate to diminish the rights of people who are legitimately fearing for their lives and seeking political asylum.

That is why the Smith amendment is so necessary. So I would ask my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE).

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

Mr. ABERCROMBIE. Mr. Chairman, I only have 30 seconds here, and this is all I ask of all the Members: Let us not confuse trafficking with terrorism. I understand how they can be concerned about that and why they are trying to do their best. Nobody gainsays them that. But in the process, we are destroying the opportunity or standing the chance of destroying the opportunity to make the necessary differentiations, especially where trafficking is concerned.

There are over 50,000, by the State Department's estimation, people who are essentially made slaves today in the United States, who are trafficked, and they could display exactly the same sense of demeanor and the other characteristics that the gentleman from New Jersey (Mr. SMITH) has been discussing, and the other persons who are opposed to it.

Please give the gentleman from New Jersey (Mr. SMITH) an opportunity with this amendment so we can make certain that we do not make that confusion.

Mr. SMITH of New Jersey. Mr. Chairman, because I have so many requests for time and will not get to all of them, I ask unanimous consent to extend this debate by 5 minutes equally divided between the proponent and opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. SENSENBRENNER. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 45 seconds to the gentleman from Maryland (Mr. CARDIN), who is the vice chairman of the Helsinki Commission, on which I serve as well.

Mr. CARDIN. Mr. Chairman, first, I thank the gentleman from New Jersey (Mr. SMITH) for bringing forth this amendment.

Mr. Chairman, let me point out that the adoption of this amendment is very much consistent with the 9/11 Commission's report. They talk about the United States winning the battle of ideas. The United States has stood against persecution of individuals because of race, nationality, or religion. If we do not adopt this amendment, the underlying bill will make it much more difficult for people who are legitimately being persecuted to be able to claim asylum in the United States.

□ 1245

That is not what this Nation is about. Our Nation is about helping people and individuals who are being persecuted. This amendment is very important. I urge my colleagues to support it.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. BERMAN).

The CHAIRMAN pro tempore (Mr. LINDER). The gentleman from California is recognized for 45 seconds.

Mr. BERMAN. Mr. Chairman, it is already law that terrorists cannot assert asylum. That is the law. A balanced and sensible proposal to fix our broken immigration system involves better border security, it involves the U.S. Visit Program, it involves sensible reforms in the procedures, it involves combining watch lists. It does not require the gaming of the asylum hearing process in a way that would cause us to depart from the fundamental precepts this country has always had, that we are a refuge for true refugees fleeing persecution in other countries.

The ''fixes'' in this process, in this bill, that the gentleman from New Jersey (Mr. SMITH) seeks to strike, games the system against people who are true refugees. Please pass the Smith amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, what this amendment does is it allows liars to get asylum, because under the Smith amendment, somebody that an immigration judge determines is lying through his teeth and has no candor cannot take into consideration in determining the decision the fact that the judge has determined that the applicant has lied.

That is wrong. An ''aye'' vote protects liars. A ''no'' vote allows the judge to make a determination on candor.

Mr. Chairman, I yield the balance of the time to the gentleman from Indiana (Mr. HOSTETTLER).

The CHAIRMAN pro tempore. The gentleman from Indiana is recognized for 1½ minutes.

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

Mr. HOSTETTLER. Mr. Chairman, I join the gentleman from Wisconsin (Chairman SENSENBRENNER) in opposing this amendment. We must remember that terrorists continually try to abuse our asylum system. For example, in 1993, Mir Aimal Kansi murdered two CIA employees at CIA headquarters and Ramzi Yousef masterminded the first World Trade Center attack after they were free after applying for asylum. Just weeks ago, Shahawar Matin Siraj was arrested in New York City for plotting to bomb a subway station. Siraj was freed after applying for asylum.

As the gentleman from Wisconsin (Chairman SENSENBRENNER) stated, the Ninth Circuit has adopted a body of circuit law that is essentially preventing immigration judges from finding that asylum applicants are lying by severely limiting the factors, such as their inconsistencies and demeanor, that the immigration judge can consider in finding aliens untruthful.

Given that government attorneys are not allowed to ask the foreign government about the facts regarding the asylum claimants, about the only evidence available to the government on which to deny an asylum application is the perceived truthfulness of the applicant's testimony.

If a criminal jury can sentence a United States citizen who is a criminal defendant to life imprisonment or execution based on their not believing the American citizen's defendant's story, certainly an immigration judge can deny an alien asylum on the same basis.

The bill would overturn this ridiculous precedent used by the Ninth Circuit. The bill provides a list of factors that an immigration judge can consider in determining truthfulness.

Oppose the Smith amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in favor of Mr. SMITH's amendment. Mr. SMITH's amendment would eliminate section 3007. Section 3007 would create a special eligibility standard for asylum applicants who claim persecution on account of an accusation of involvement with a guerilla, militant, or terrorist organization; or on account of an accusation of engaging in or supporting guerilla, militant, or terrorist activities. They must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be the central motive for their persecution.

Frankly, this puzzles me. The burden of proof in the Immigration and Nationality Act now provides that the person must establish that he has been persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. It seems to me that if the persecution is on account of one of those enumerated grounds, it necessarily would be the central motive for the persecution.

Section 3007 also would require Immigration Judges to deny applicants asylum because they fail to provide corroborating evidence if it is reasonable to expect corroborating evidence. This is not necessary either. My immigration counsel, Nolan Rappaport, wrote decisions for the Board of Immigration Appeals before he left the Justice Department. In 1989, he wrote Matter of Dass, 20 I&N Dec. 120 (BIA 1989), in which the Board held that corroborating evidence should be presented in asylum cases if it is available. That was 15 years ago, and it is still the rule that immigration judges follow in asylum proceedings. The thing that is new is the provision in section 3007 which states that, ''No court shall reverse a determination made by an adjudicator with respect to the availability of corroborating evidence . . . unless the court finds that a reasonable adjudicator is compelled to conclude that such corroborating evidence is unavailable.'' That is punitive and unnecessary. Immigration Judges do not need statutory guidance in making credibility determinations, and Federal circuit court judges should not be so severely restricted in their review of credibility determinations.

I urge you to vote for Mr. SMITH's amendment to eliminate section 3007.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, what is the procedure by which one can point out that none of the gentlemen from Indiana received asylum?

The CHAIRMAN pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

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

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 17 printed in House Report 108–751.

AMENDMENT NO. 17 OFFERED BY MR. OSE

Mr. OSE. 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. 17 offered by Mr. OSE:

At the end of title III of the bill, insert the following:

**Subtitle F—Security Barriers**

**SEC. 3121. EXPEDITED COMPLETION OF SECURITY BARRIERS.**

(a) IN GENERAL.—In order to construct the physical barriers and roads described in section 102 of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208, div. C), the tracts of land described in subsection (b) shall be exempt from the requirements of the provisions listed in subsection (c).

(b) LEGAL DESCRIPTION.—The tracts of land referred to in subsection (a) are as follows:

(1) ZONE WEST.—A tract of land situated within Section 2, 3, 4, 5, 7, 8, 9, 10, and 11, Township 19 South, Range 2 West of the San Bernadino Meridian, within the County of San Diego, State of California, more particularly described as follows: Beginning at the Southwest corner of Fractional Section 7, T19S, R2W; said Point-of-Beginning being on the United States/Mexico International Boundary Line and also being a point of mean sea level of the Pacific Ocean (at Borderfield State Park); thence, N 02°31′00″ W, a distance of approximately 800.00 feet to a point. Thence, N 84°44′08″ E, a distance of approximately 1,845.12 feet to a point. Said point being on the Section line common to Section 7 and 8, T19S, R2W. Thence, S 01°05′10″ W, along said Section line, a distance of approximately 270.62 feet to a point. Thence, S 89°49′43″ E, a distance of approximately 1,356.50 feet to a point. Thence, N 45°34′58″ E, a distance of approximately 1,901.75 feet to a point. Said point being on the Section line common to Sections 5 and 8, T19S, R2W. Thence, N 00°00′00″ E, a distance of approximately 300.00 feet to a point. Thence, S 89°54′53″ E, a distance of approximately 1,322.05 feet to a point. Thence, S 00°25′27″ W, a distance of approximately 300.00 feet to a point. Said point being on the Section line common to Sections 5 and 8, T19S, R2W. Thence, S 89°37′09″ E, along the Section line common to Section 4, 5, 8, and 9, T19S, R2W, a distance of approximately 5,361.32 feet to a point. Thence, N 00°12′59″ E, a distance of approximately 400.00 feet to a point. Thence, N 90°00′00″ E, a distance of approximately 1,349.81 feet to a point. Said point being on the Section line common to Sections 3 and 4, T19S, R2W. Thence, S 00°30′02″ W, a distance of approximately 410.37 feet to a point. Said point being the Section corner common to Sections 3, 4, 9, and 10, T19S, R2W. Thence, S 89°36′11″ E, along the Section line common to Sections 2, 3, 10, and 11, T19S, R2W, a distance of approximately 6,129.36 feet to a point. Thence, along the arc of a curve to the left, having a radius of 518.88 feet, and a distance of 204.96 feet to a point. Thence, S 89°59′41″ E, a distance of approximately 258.66 feet to a point. Thence, S 00°00′00″ E, a distance of approximately 111.74 feet to a point. Said point being within the NW ¼ of fractional section 11, T19S, R2W, on the United States/Mexico International Boundary. Thence, S 84°41′20″ W, along said United States/Mexico International Boundary, a distance of approximately 19,210.48 feet to the Point-of-Beginning. Said tract of land containing an area of 396.61 acre, more or less.

(2) ZONE EAST.—A tract of land situated within Section 32 and 33, Township 18 South, Range 1 East of the San Bernadino Meridian, County of San Diego, State of California, and being described as follows: Beginning at the ¼ Section line of Section 32, T18S, R1E. Said Point-of-Beginning being on the United States/Mexico International Boundary Line and having a coordinate value of X = 6360877.25 Y = 1781730.88. Thence, N 00°32′02″ W, a distance of approximately 163.56 feet to a point. Thence, N 78°33′17″ E, a distance of approximately 1,388.23 feet to a point. Thence, N 84°37′31″ E, a distance of approximately 1,340.20 feet to a point. Thence, N 75°00′00″ E, a distance of approximately 1,000.00 feet to a point. Thence, S 88°06′07″ E, a distance of approximately 1,806.81 feet to a point. Thence, N 80°00′00″ E, a distance of approximately 1,050.00 feet to a point. Thence, N 87°00′00″ E, a distance of approximately 1,100.00 feet to a point. Thence, S 00°00′00″ W, a distance of approximately 300.00 feet to a point. Said point being on the United States/Mexico International boundary. Thence, S 84°44′09″ W, along said boundary, a distance of approximately 7,629.63 to the Point-of-Beginning. Said tract of land having an area of approximately 56.60 acres more or less.

(c) EXEMPTION FROM CERTAIN REQUIREMENTS.—The provisions referred to in subsection (a) areas as follows:

(1) Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), as amended by Quiet Communities of 1978 (P.L. 95–609).

(2) Clean Air Act and amendments of 1990 (42 U.S.C. 7401–7671q).

(3) Clean Water Act of 1977 (33 U.S.C. 1342).

(4) Executive Order 11988 (Floodplain Management), as amended by Executive Order 12608.

(5) Executive Order 11990 (Protection of Wetlands), as amended by Executive Order 12608.

(6) Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)).

(7) Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901–6992k) as amended by Hazardous and Solid Waste Amendments of 1984 (P.L. 98–616; 98 Stat. 3221).

(8) Comprehensive, Environmental Response, Compensation, Liability Act of 1980 (42 U.S.C. 9601–9675), as amended by Emergency Planning and Community Right-To-Know-Act of 1986 (42 U.S.C. 11001 et seq.).

(9) Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.).

(10) Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1544).

(11) Migratory Bird Treaty Act of 1918 (16 U.S.C. 703–712).

(12) Bald and Golden Eagle Act of 1940, as amended (16 U.S.C. 688–688d).

(13) National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended Executive Order 13007—Sacred Sites Presidential Memorandum regarding government to Government Relations (April 29, 1994).

(14) Native American Graves Protection and Repatriation Act (43 CFR Part 10).

(15) Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa–470ii).

(16) Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) of 1994.

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 17 offered by Mr. OSE:

On page 5, line 4, strike ''areas as'' and insert ''are as''.

Add at the end of subsection (c) the following new paragraph:

''(17) Any other laws or requirements that delay construction of the barriers and roads described in this section.''.

PARLIAMENTARY INQUIRY

Mr. FARR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FARR. Mr. Chairman, on the definition of ''any other laws or requirements,'' does that broaden it to every law in America?

The CHAIRMAN pro tempore. That is not a proper parliamentary inquiry. That is a matter for debate on the amendment.

The CHAIRMAN pro tempore. Is there objection to the modification?

Mr. FARR. Mr. Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. The gentleman is recognized under his reservation.

Mr. OSE. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from California.

Mr. OSE. Perhaps I can elucidate. The point of adding that particular provision is that, given the crush of time, I am a little bit concerned that we did not cover everything. There is no purpose here to include Davis-Bacon or employment or employee things. This is strictly an effort to remove impediments to the construction of this security fence.

Mr. FARR. Mr. Chairman, reclaiming my time, it will not go to legislative intent. It will go to what you have stated in words here, and it says ''any other laws or requirements.'' Any.

Mr. OSE. If the gentleman will yield further, as they relate to the fence, that is my intention.

Mr. FARR. Mr. Chairman, reclaiming my time, that delay the construction

of barriers, there could be all kinds of other reasons that are unrelated to just your waiving the environmental requirements.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from California.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding. Let me state, I know the intent of our colleague, the gentleman from California (Mr. OSE), is to ensure that there may not be other environmental regulations which in any way impinge on the construction of this fence. I think one of the things that could take place is at least there would be clear legislative intent established through this debate process indicating that it would not move into other areas about which my friend has mentioned as areas of concern for him.

Mr. FARR. Mr. Chairman, reclaiming my time, I think the intent here is to waive a lot of laws so you can get this done in an expeditious manner. I think you are opening up a Pandora's Box. It is going to give you so many lawsuits that you are never going to get the project done.

The CHAIRMAN pro tempore. Does the gentleman from California (Mr. FARR) object to the modification?

Mr. FARR. I object.

The CHAIRMAN pro tempore. Objection is heard.

Pursuant to House Resolution 827, the gentleman from California (Mr. OSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

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

Mr. Chairman, the purpose of this amendment is to secure our southern border immediately south of San Diego by completing the security fence that this Congress authorized and that President Clinton signed back in September of 1996. The rationale for this is very straightforward. Construction of this fence reduces illegal immigration. The Border Patrol has told us that the construction of the fence to date has reduced illegal immigration in that area by 80 percent.

The gentleman from California (Mr. BERMAN) just 5 minutes ago talked about an integrated border security system that accomplishes just that, and this fence is part of that. Construction of the fence serves to protect our country from potential terrorist activity.

I have a letter from the Secretary of the Navy here to our good friend, the gentleman from California (Mr. HUNTER), that I will enter into the RECORD that highlights exactly that point relative to the naval base 4 miles north of the site in question.

Construction of this fence is part of an integrated border security system identified in the 9/11 Commission report as a priority. I am not making this stuff up. This is part of an integrated border security system that this country has previously authorized that has been bogged down for 8 years in getting completed.

I regret, I truly do regret, the impact this may have on environmental or cultural resources, but we need to make a choice. The votes we post will be clear: Are we for protecting this country by completing this fence, or are we not?

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

The CHAIRMAN pro tempore. Who seeks time in opposition?

Mr. FARR. Mr. Chairman, I claim the time in opposition to this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. FARR) is recognized for 5 minutes in opposition to the amendment.

Mr. FARR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there is no problem that is broken that needs to be fixed. There is nobody opposed to the process of getting this fence built. The problem with this amendment is you create a whole ability to have more lawsuits filed and you give a message that the environmental laws are not necessary.

The process is working. In 2 weeks, the Homeland Security Office is meeting with the California Coastal Commission where they have laid out all of the road map for how to get it done. The fact of the letter that was just submitted for the RECORD, the Navy never asked that any of these environmental laws be waived. We built a fence around the Naval Postgraduate School in Monterey by abiding by all the laws, including the Coastal Commission laws.

So this is a made-up issue to try to get a recorded vote to show that, if you support the environment, you are for terrorism. Nothing in the 9/11 Commission report recommended this amendment. It is totally unnecessary.

I would just tell you that the process is working and what you see in this amendment is trying to subvert it.

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

Mr. Chairman, before I yield to my good friend from San Diego, I want to make a point that the exemptions offered in section C of my amendment shall also incorporate section 102(c) of title I, subtitle A of the 1997 Omnibus Appropriations Act, that is Public Law 104–208, in its entirety.

I will say there is a meeting that is going to take place in 2 weeks. It will be the sixteenth meeting this year alone trying to move this project forward. I think the meetings now take place so they can schedule more meetings. We need to get this finished.

Mr. Chairman, I yield 90 seconds to my friend, the gentleman from San Diego, California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is the last piece of the border fence. We have 14 miles of the most extensive smugglers' corridor in the United States. That is where more smugglers move cocaine, undocumented workers and potentially terrorists through this corridor that lies between San Diego and Tijuana.

In a bill signed by President Clinton, in fact giving the Attorney General the right to waive the Endangered Species Act, it was considered to be so important. We have built now of this 14-mile stretch, 11 miles. Only 3 miles remain. The Secretary of the Navy has sent us a letter saying that there are security reasons to have that last piece of the border fence constructed.

Let me just tell you what is happening in the 6 years that these slow-roll negotiations have gone on and on and on, and the California Coastal Commission and other agencies never go along with this thing. While that has happened, we have had North Koreans coming in the smugglers' corridor, as documented by the Border Patrol. We have had Iraqis coming in through that corridor. We have had Iranians coming in through that corridor.

If you want to come in as a terrorist into the United States, do not come in through LAX. Come in on the land border between Mexico and the U.S. If you come through the gap in the fence that we are talking about, you are right there at one of the most sophisticated American naval bases in the world.

We need to build this fence. It is in line with national security, in line with President Clinton's law. Let us get it done.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I strongly urge my colleagues to oppose the Ose amendment which will exempt the construction of the proposed security barrier in the San Diego area from most Federal environmental laws, regulations and executive orders, including four that specifically and directly impact Indian tribes.

The Ose amendment would waive the requirements of the National Historic Preservation Act of 1966, the Native American Graves Protection and Repatriation Act of 1990, the 1996 Executive Order 13007 on sacred sites and the Archeological Resources Protection Act of 1979.

□ 1300

These Federal requirements were enacted by Congress and implemented by Democratic and Republican administrations to fulfill promises we made to native Americans that their places of worship, resting places for the deceased, and religious freedom will not be disturbed or intruded upon again and, instead, will be protected and preserved.

This amendment undermines those laws by precluding tribal consultations on Native American burial grounds, religious shrines, and cultural and historical sites located in the construction area.

I urge my colleagues to vote ''no'' on the Ose amendment.

Mr. Chairman, I include for the RECORD the following letter:

NATIONAL CONGRESS OF AMERICAN INDIANS,
*Washington, DC, October 7, 2004.*

Hon. CHAIRMAN SENSENBRENNER,
*House Judiciary Chairman.*

HONORABLE JAMES SENSENBRENNER: We have become aware that a proposed amendment to H.R. 10, ''The 9/11 Recommendations Implementation Act'', would undermine two federal statutes designed to preserve and protect Native American cultural heritage.

NCAI is extremely sensitive to the issues of protecting our homeland. Tribes play a vital role in protecting our borders with over 200 miles of United States border located on tribal lands and with 38 tribes on or near international borders. Additionally, significant numbers of tribes are located near critical infrastructure, including missile silos, chemical depots, dams and nuclear power plants.

Native peoples have proven their unwavering commitment to protecting this country. Currently, 19,761 American Indians and Alaskan Natives are serving in the military, and as noted by many members of Congress, Native Americans serve in the United States military at higher rates than any other ethnic group.

The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), P.L. 101–601, 24 U.S.C. 3002), was enacted to protect fragile tribal cultures from exploitation. It was designed to address the flagrant violation of the ''civil rights of America's first citizens'' 136 C.R. §17174.

Furthermore, Congress has expressly stated in statue that it viewed NAGPRA as part part of its trust responsibility to Indian tribes and people, specifically stating that it ''reflects the unique relationship between the Federal Government and Indian tribes'' 25 U.S.C.A. §3010.

The destruction of culturally sensitive sites is irreversible and unconscionable. The proposed amendment of Representative Ose would undermine the very foundation of NAGPRA and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.). At the very least we would expect that a consultation process be considered in any legislation that would affect cultural sites. We urge you oppose any amendments that would undermine our rights to protect and preserve our cultural heritage.

Sincerely,

TEX G. HALL.

Mr. OSE. Mr. Chairman, I yield myself 10 seconds.

The original authorization to build this fence gave the Attorney General the opportunity to waive all of these things the previous speaker voted for. You cannot have it both ways. You are either for protecting this country or you are not.

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise in opposition to the Ose amendment to H.R. 10, and I refuse to play environmental politics with our national security.

This amendment is nothing more than an extreme and unnecessary attempt to circumvent the ongoing approval and construction process and exempt construction of the fence from 16 public health, cultural heritage, and environmental regulations.

The U.S. Bureau of Customs and Border Protection and the California Coastal Commission are currently in negotiations now over the completion of this security barrier. In fact, they are scheduled to meet again October 26 of this year.

According to the California Coastal Commission: ''Feasible alternatives are available that would significantly lessen adverse impacts to coastal zone resources and still will enable the California Border Patrol to meet its border patrol needs.''

Supporters of this amendment have shown no evidence to prove that each of the 16 cultural heritage, public health, and environmental regulations it seeks to undermine is blocking completion of the security barrier.

How is the executive order on environmental justice blocking completion of this security barrier?

Mr. FARR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, there are all sorts of problems along the United States-Mexican border, but to take a sensitive area that, as my friend, the gentleman from Michigan (Mr. KILDEE), has pointed out, where there are serious issues relating to native Americans. We are working on areas here, in terms of the massive amount of fill that would be involved, twice the size of the Hoover Dam, is something that people need to take a pause, a deep breath, and take a careful look. There is a lot of environmental damage that can be done.

We cannot keep people, illegal aliens, from crossing the border. It is porous, we know it. To move forward with this massive project now, suspending environmental regulations, extends a precedent that I think is chilling.

Our Capitol is a monument to our inability to get things right in terms of things that all of us know are not going to retard terrorists but make our Capitol into sort of a fortress. We are spending money, trying to make people feel good. Suspending environmental regulations in a way that is not going to have any long-term impact. I urge its rejection.

Mr. FARR. Mr. Chairman, I yield myself the remaining time.

Look, you have been able to build almost this entire fence without the waiving of any environmental laws. The record that the gentleman showed there just a moment ago gave the Attorney General the authority to waive NEPA and ESEA. You are now going into a whole complicated series of laws, including the protection of Bald Eagles, Indian rights and things like that, Superfund issues.

I have been involved with these issues for a long, long time, living on the coast. And I will tell the gentleman that what he is opening up is a can of worms for lawsuits and complaints and so on.

This is not the wise way to go with this amendment, and I object to the amendment and will ask for a recorded vote on it.

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

Two speakers go, we had someone on that side talking about negotiations, that there are negotiations pending. The fact of the matter is negotiations have been going on for 6 years, and we are no closer to a solution. We had a speaker just previous from Oregon stand up and make an argument for doing nothing. I am sorry, I do not understand that.

Mr. Chairman, I ask unanimous consent to extend the debate time on each side for 1 minute.

The CHAIRMAN pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OSE. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from California (Mr. HUNTER) and I have been fighting this for the last 20 years. Many of the same people that tried to stop us from putting up the fence when there were rapes and murders, there was a single line of barbed wire and people were coming right and left into the United States with truck loads of marijuana and cocaine. I resent saying this is a made-up issue.

I have operated out of that Navy base. Gordon England, Secretary of the Navy, states that it is imperative, that it is dangerous to leave that hole open. Bald Eagles in a 4-mile stretch? Give me a break.

We are at war. I sit on the Permanent Select Committee on Intelligence, and I cannot go into specifics, but do my colleagues know where these guys are coming up? In Mexico. And do my colleagues know what? We are vulnerable. We have a base that has nuclear ships right next door that could blow up the whole waterfront.

It is wrong to oppose this. We need to close the hole in the dike.

Mr. FARR. Mr. Chairman, I yield 50 seconds to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, well, I have some bad news. After this 3 miles is done, there is about another 4,000 miles unfortunately that remains at risk.

I would just ask Members to consider what we just did on this floor. We just extended the time a little bit to get this debate right, and I appreciate the gentleman's courtesy in doing that.

Do we know why Americans have accepted the Endangered Species Act? Because they recognize you can take just a bit more time and do it right.

On October 26, when they have this meeting to get this resolved, we hope that is going to happen. We have built bridges, we have built highways, we built the most powerful military machine in world history with the Endangered Species Act. This is not endangering us. We should not go back to the

days of ignoring this problem. Defeat this amendment.

Mr. FARR. Mr. Chairman, I yield myself the remaining time.

Let me say it straight. Nobody is against building this fence. It is just, why waive all of these rules? We have built 14 miles of this fence without having to waive any rules. I do not think it is necessary. I think it is a guise and a political maneuver.

Mr. OSE. Mr. Chairman, I yield the remainder of my time to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules and the champion in California on immigration issues and protecting our country.

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

Mr. DREIER. Mr. Chairman, we have heard the eloquence of my friends, the gentleman from San Diego, California (Mr. CUNNINGHAM) and the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. OSE), obviously, focusing on the national security, the homeland security, the drug interdiction aspect of this, which is very important.

Let us talk about the environmental side of not constructing this fence. The Tijuana Estuary happens to be a very environmentally sensitive area. The fact that this fence is not being constructed is jeopardizing the environmental quality in the San Diego sector right now with the trash and the other disposal that is taking place, really exacerbating a serious problem.

The pro-environment vote and pro-national security and homeland security vote is to vote ''yes'' for the Ose amendment.

Mrs. DAVIS of California. Mr. Chairman, I must regretfully rise in opposition to the Ose amendment, which has been sprung on us this afternoon without any notice or prior opportunity to discuss the issues.

As a member of the Armed Services Committee, I have spent hundreds of hours devoted to the issues surrounding Homeland Security. Situated as my district is in San Diego, I am concerned to secure not only our border but also our busy port and ship-building facilities located on San Diego Bay, which is crossed by a dramatic bridge, our international airport, and our numerous military installations which are the home bases for nuclear carriers and nuclear submarine. We have much to be proud of—and much to protect.

It is challenging to us all to prioritize actions that we can take with our Homeland Security dollars to provide increased security against past and likely focal points for terrorists. It is important that we assure that scarce resources are devoted to the kinds of actions that will in fact keep our borders safe from known entry points for terrorists.

The measure before us to expedite the long-proposed triple border fence overturns years of effort on the part of the local communities along the border, civic groups, and elected representatives to come to consensus with the Border Patrol about appropriate means to enhance and strengthen the existing fence.

Fortunately, during the past ten years since the inauguration of Operation Gatekeeper, the numbers of illegal border crossers in the area under consideration has dropped 80 percent.

Nonetheless, I agree that the present quality of the single fence needs updating at least to the highest quality of fence construction proposed and already implemented along adjacent border areas. Moreover, I have been assured by local high tech companies which provide sophisticated technology for other homeland security needs that much more could be done with electronic surveillance and detection.

Similar views have been officially expressed by the California Coastal Commission, which has jurisdiction in this area, and by the California Coastal Conservancy which has a $6 million road and access improvement project in this area.

In the past, the California Border Patrol has been unwilling to pursue any alternative proposals other than the one which has been so thoroughly rejected by state and local interest groups. Their view has been ''my way, and it's a highway.''

However, since its February vote to object to the proposal, the California Coastal Commission has been working with the Department of Homeland Security's office of Homeland Security, Customs and Border Protection in charge of construction to resolve this issue. I understand the parties met in April to discuss their views and that both parties expected and have planned to continue this effort at a meeting on October 26, 2004, to continue the ongoing negotiations. Perhaps the author was unaware of this plan. I believe we must support this effort.

It is no surprise that the Ose amendment waives all powers of the Clean Air Act; the Clean Water Act; the Protection of Wetlands; the Floodplain Management; the Coastal Zone Management Act; the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation, Liability Act as amended by Emergency Planning and Community Right-To-Know Act; the Farmland Protection Policy Act; the Endangered Species Act; the Migratory Bird Treaty Act; the National Historic Preservation Act; the Native American Graves Protection and Repatriation Act; and the Archeological Resources Protection Act.

That is because this proposal is so overwhelmingly threatening to the sensitive lands that would be destroyed as to offend all of these acts.

Above all, this wholesale destruction is unnecessary. I would welcome continued work with the affected parties, most particularly with the Immigration and Naturalization Service, to find a solution to their staffing needs that does not destroy millions of dollars of prior investment by California in these sensitive areas. We must use our scarce Homeland Security dollars in projects that are focused on major areas where there are large numbers of border crossers who might become a threat from terrorists.

San Diego deserves to be protected, but we have many areas in need of new programs and technology that will address likely targets.

I urge your defeat of this proposal at this time and your willingness to work together toward a reasoned proposal.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. OSE).

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

Mr. FARR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. OSE) will be postponed.

It is now in order to consider amendment No. 19 printed in House Report 108–751.

AMENDMENT NO. 19 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. 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. 19 offered by Mr. WELDON of Pennsylvania:

At the end of chapter 2 of subtitle H of title V (page 602, after line 16), add the following:

**SEC. ___. EMERGENCY PREPAREDNESS COMPACTS.**

Section 611(h) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(h)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively;

(2) by indenting paragraph (2) (as so redesignated); and

(3) by striking the subsection designation and heading and inserting the following:

''(h) EMERGENCY PREPAREDNESS COMPACTS.—(1) The Director shall establish a program supporting the development of emergency preparedness compacts for acts of terrorism, disasters, and emergencies throughout the Nation, by—

''(A) identifying and cataloging existing emergency preparedness compacts for acts of terrorism, disasters, and emergencies at the State and local levels of government;

''(B) disseminating to State and local governments examples of best practices in the development of emergency preparedness compacts and models of existing emergency preparedness compacts, including agreements involving interstate jurisdictions; and

''(C) completing an inventory of Federal response capabilities for acts of terrorism, disasters, and emergencies, making such inventory available to appropriate Federal, State, and local government officials, and ensuring that such inventory is as current and accurate as practicable.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

I thank my good friend from New Jersey (Mr. ANDREWS) for cosponsoring this amendment. The gentleman has been a leader on homeland security and emergency response issues long before 9/11. In fact, we first met when he was the solicitor for the Camden County Firefighters Association and I was county commissioner across the river. We have worked together on first responder issues since then.

This amendment is critically important, Mr. Chairman, because it requires the Federal Government to establish what should have been established years ago, and that is a process of identifying emergency preparedness compacts. Many of our regions like the Washington area region have already established multistate, multicounty jurisdictional plans to respond to natural and manmade disasters; but that is not the case around the country.

This bill requires us to inventory those plans that are in place and do work to encourage and establish models that other jurisdictions can use. But it goes beyond that, Mr. Chairman, because this bill also requires an inventory of assets and resources that local emergency responders can call upon if and when a disaster occurs.

I can recall, Mr. Chairman, during the tenure of my time in Congress, I have been on site at most disasters personally. I was walking the freeways of the San Francisco and Oakland area after the earthquake 10 years ago with the chiefs of the San Francisco and Oakland Fire Departments, and they were looking for people who were allegedly still trapped in vehicles sandwiched in-between those two levels of the freeway that had come down on top of each other. I said to the chiefs, why are you not using thermal imagers, and they said to me, what are thermal imagers? They had no idea that the Defense Department had developed that technology 10 years earlier. They could have used that to very quickly identify people who were still alive.

This bill requires a computerized inventory of those kinds of assets that are available that are not easily identified.

I think Chief Morris in Oklahoma City, another good friend of mine, who responded to the terrorist attack on the Federal Building in Oklahoma City, when the chief arrived he needed structural engineers. He had children at day care that were trapped. He needed specialized advice on how to deal with the potential of chemical and biological agents. He had none of that available to him.

Through this amendment, not only will we do the regional preplanning and require these compacts to be established, but we will also have an inventory of the available technologies that first responders can use that chief officers on the scenes of situations like Oklahoma City or the World Trade Center or any other incident in America can make available to them from the Federal or State governments.

It is a good amendment. I think it makes common sense, and I hope all of our colleagues will support it.

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

The CHAIRMAN pro tempore. There being no Member claiming the time in opposition to the amendment, without objection, the gentleman from New Jersey (Mr. ANDREWS) is recognized for 5 minutes.

There was no objection.

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

I thank the gentleman from Pennsylvania (Mr. WELDON) for offering this amendment. His wealth of experience on the front lines in the first responder community shows, once again; and I am honored to join with him in this amendment.

□ 1315

I thank the gentleman for his years of dedication to first responders in this country, long before Members talked about them on this floor.

The gentleman from Pennsylvania and I share a geographic area. Our districts are separated only by a river. If, God forbid, there were a terrorist attack, a mass crime, a natural disaster, his constituents and mine would be responsible for responding to it. We are proud of the fact that locally in our area there is cooperation. But the fact of the matter is cooperation now happens by accident, not by design; and our amendment is to change that. It requires that the director of FEMA do three things: first, that the director of FEMA catalog examples of cooperative agreements and compacts around the country.

Second, it requires that the FEMA director issue guidance on best practices, what is working. We are going to hear from the gentlewoman from the District of Columbia (Ms. NORTON) talk about the capital area plan that is working very, very well.

Thirdly, it requires an up-to-date accessible inventory of Federal resources that would be available. In the golden hour that takes place after such an attack or disaster, we do not have weeks or months to study a problem. The chiefs on the ground have to decide right there and then what to do. By making this resource available to them, I think we will save lives and minimize disaster. I thank the gentleman for offering this amendment, and I hope Members on both sides of the aisle will vote a resounding ''yes.''

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

In closing, I thank the gentleman from New Jersey (Mr. ANDREWS). This is a bipartisan amendment. I would just say to Members I am going to ask for a recorded vote here because I introduced legislation almost a dozen years ago to require our FEMA agency to establish a computerized inventory. Twelve years later, it is still not done. As a reinforcement of this part of the bill, I am going to ask for a show of support from my colleagues.

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

Mr. ANDREWS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON), whose capital area response plan has set the model for how to go about this regional planning and serves as an example to others.

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Mr. ANDREWS) and the gentleman from Pennsylvania (Mr. WELDON) for this amendment.

I have an amendment pending in a package we have not gotten to. My pending amendment would in fact have relevant regions across the United States, whether within the same State or not, engage functionally in what I think this amendment would do. I would have a coordinator and the coordinator could be chosen by whoever were the various officials, whether across State lines or within a State.

Yes, it is true that the national capital region is the model for how it should be done. Here we have three States: Maryland, Virginia and the District of Columbia. The portions of those States closest to where the security is of greatest need and where the Federal presence is, because the Federal presence is as much in Virginia, Maryland and the District of Columbia, and in some cases more so, witness the Pentagon. This region has a long history of cooperating.

But after 9/11, even that long history of cooperation was not enough. Because of the uniqueness of the national capital region, Congress has said there has to be a paid coordinator for this region. Other regions, of course, would almost surely not have the Federal Government paying for the coordinator. The reason that the coordinator is paid for here is because virtually the entire Federal presence is located here.

But I have worried that what a coordinator would do is not being done in these regions. I appreciate what these Members have done. They have leaped over the title and essentially said do it, or at least do some of it, such as information-sharing. Other areas of their amendment make it clear that what Congress wants is coordination across State lines if necessary and certainly across regional lines.

I think minimally what this amendment wants is what the country needs, and I hope because this is a bipartisan amendment that it will pass; it will pave the way for the next step which would be of course coordinators for the various regions. Again, I thank the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from New Jersey (Mr. ANDREWS) for their amendment.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. WELDON) for his efforts. I also thank Mr. Dozor from the gentleman's staff, and Mr. Knotts from mine for their great effort.

Mr. COX. Mr. Chairman, I rise in strong support of the Weldon-Andrews amendment on emergency preparedness compacts.

The terrorist attacks of September 2001 stretched the response capabilities of our

local, State, and Federal emergency agencies to the breaking point. The attacks caused an unprecedented number of deaths, unprecedented physical destruction, and, at times, utter chaos. The attacks also presented planning, operational, and logistical problems of new and different dimensions.

Both the Bush administration and 9/11 Commission have recognized that no one community can cope with such an unparalleled catastrophe by itself. Indeed, the President's Homeland Security Directive 5 and the 9/11 Commission's report both stressed the vital importance of ensuring that all levels of government across the Nation have the capability to work together efficiently and effectively.

This is precisely why emergency preparedness compacts are so important. They enable emergency managers from different jurisdictions and agencies to provide personnel and equipment in the event of acts of terrorism, disasters, and emergencies. They ensure that no community is overwhelmed.

And this is also precisely why I urge you to support the Weldon-Andrews amendment.

Their amendment would require the Director of the Federal Emergency Management Agency, FEMA, to establish a program supporting the development of emergency preparedness compacts across the Nation.

This program will identify and catalog all existing emergency preparedness compacts.

This program also will encourage jurisdictions without compacts to enter into them by disseminating the best examples of such compacts.

Finally, this program will create, and update as necessary, an inventory of Federal response capabilities and make it available to State and local government officials.

I commend Representatives WELDON and ANDREWS for their bipartisan leadership and vision in offering this important amendment.

As chairman of the Select Committee on Homeland Security, I strongly encourage my colleagues to support this amendment.

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

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) will be postponed.

It is now in order to consider amendment No. 21 printed in House Report 108–751.

AMENDMENT NO. 21 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. 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. 21 offered by Mr. BARTLETT of Maryland:

Page 478, insert after line 15 the following:

**SECTION 5010. STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.**

(a) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of ''National Capital Region'' applicable under section 882 of the Homeland Security Act of 2002 to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(b) FACTORS.—In conducting the study under subsection (a), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(1) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(2) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subsection (a), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002) as the Secretary considers appropriate.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Maryland (Mr. BARTLETT) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself 2 minutes.

This amendment, which is the text of H.R. 3583, will establish a study to provide an objective analysis of whether the current capabilities of the infrastructure in the region around our Nation's capital are adequate in the event of a mass casualty disaster.

I have worked closely with the gentleman from Maryland (Mr. CARDIN), the gentlewoman from Virginia (Mrs. JO ANN DAVIS), and I have worked closely on this legislation; and we are very pleased by the wide bipartisan support of our colleagues in Maryland, Washington, and Virginia.

This amendment calls upon the Secretary of Homeland Security to create a commission to report to Congress its findings. In particular, I have looked forward to working with the gentlewoman from the District of Columbia (Ms. NORTON) to address her concerns concerning the implementation of this amendment. I will commit to the gentlewoman to ensure that the GSA will have major input into the study, that it will not predispose an alteration of the definition of the national capital region, and that it will assess existing emergency response capabilities among the public and private sectors in the District of Columbia, Maryland and Virginia, what capabilities would be necessary in the event of a mass casualty incident and recommendations to correct any shortfalls.

This commission will specifically study the major Federal interstate highways out of America's capital. Normal rush hour traffic around our Nation's capital can last as long as 4 hours. In the event of a terrorist attack or other emergency in Washington, D.C., millions of people would be unable to evacuate and get home to their families.

In June 2003, the Metropolitan Washington Council of Governments Board urged Congress to analyze whether the current definition of the national capital region meets current needs. I am pleased that they support this amendment.

I would also like to recognize an important local health care provider, Adventist HealthCare. Adventist HealthCare has two hospitals, Washington Adventist Hospital in Takoma Park and Shady Grove Adventist in Rockville, along two of the designated evacuation routes developed by the D.C. Division of Transportation. Adventist HealthCare has independently committed to invest over $360 million to develop and begin implementing a comprehensive plan to ensure that they are prepared for the potential of a mass casualty event.

Cooperation and coordination between relevant Federal Government agencies, such as the Department of Homeland Security, Health and Human Services, and private sectors, are very important.

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

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

Mr. Chairman, I oppose this amendment with regret. I believe every Member of the national capital region and everyone who cares about the security of the national capital region should oppose this amendment as well.

Normally, I would have absolutely no problem with a study. This study and this amendment, both the original bill and the amendment are called study of an expansion of area of jurisdiction of Office of National Capital Region Coordination. That is the special coordinator I just spoke about in the last amendment.

The amendment itself suggests the conclusion: expansion. This is not the time to even think about diluting the area defined by law as the national capital region. It has not happened haphazardly. I did offer to work with my colleagues from the greater region. I think an objective study that was done by the region, the agencies that have the expertise, and the gentleman has indicated that he knows that the GSA has it, yes homeland security might be useful. I am a member of both committees. The last thing I want to do is give the Committee on Homeland Security, which has existing mandates to report back to Congress, something else to do, something which I think is absolutely unnecessary.

The expertise exists within the government, and this is something that

does not require legislation at all. The resources that protect the national capital region we need to expand, not think about diluting. When we talk about this region, understand what we are talking about. We are talking about the Pentagon, the CIA, NIH, Arlington Cemetery, Andrews, Fort Belvoir, the FBI Academy, Goddard Space Center, the FDA. We are not talking about the District of Columbia. It goes without saying that is going to be protected. The greater Federal presence is found in nearby Maryland, Northern Virginia, and Montgomery and Prince George's counties.

What expense we have to go through just to protect this region I do not want to even talk about, but it includes the flyover, the guards we have to send out. We have to send them out if there were an agency somewhere out in the region.

The GSA and the National Capital Planning Commission have consistently been against sprawl of government agencies. It is already 6,000 square miles. We are talking way out into Maryland and Virginia, Loudoun, Prince William, Fairfax. They have opposed it because of security, commuting, taxpayer cost-saving reasons. They have consistently said we have to keep as many agencies as possible within this region. It is much harder to protect Federal facilities; and therefore they say, whether you are talking about embassies or Federal agencies, they ought to be within this region.

When there is an alert, they have to send them wherever the facility is. For economies of scale, we want to in fact keep agencies concentrated. If Members want a study, I am willing to study; but they do not need to come before this Congress and ask for an expensive study to be done, distracting the Department of Homeland Security from what it has already on its plate.

I am willing to work with the gentleman, but I think we do not need a new study at taxpayers' expense beyond what we already have the ability to do. The agencies that are within the national capital area, the coordination that we do now needs far greater focus and far greater resources. It is clear what the gentleman wants. I oppose this amendment.

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

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, the national capital region was established in 1952 during the 82nd Congress. It includes not only the District of Columbia; it includes in Maryland, Prince George's and Montgomery counties. In Virginia, it is Arlington, Fairfax, Loudoun, and Prince William counties.

□ 1330

In the south, Mr. Chairman, the region goes about 30 miles. In the north, it goes about 10 miles. If it went 30 miles to the north, it would include Baltimore, where I happen to live.

When we adopted the Homeland Security Act in 2002, we made reference to the national capital region. What we are asking, and I applaud my friend from Maryland (Mr. BARTLETT) is to let the Department of Homeland Security study the security issues of this region.

If we have a problem in the Nation's capital and people try to leave this region, they are going to want to be able to get to Crofton and Annapolis and to Frederick, and there is going to be gridlock if we do not have a plan that includes beyond that short distance in Maryland. All this does is ask for a study. It does not diminish resources at all. In fact, it will allow us to provide a more reasonable plan for the Nation's capital.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Chairman, I am glad my colleague from D.C. talked about protecting the FBI Academy in the national capital region because that, in fact, is located in what the gentlewoman calls ''way out there in Virginia'' which is my area.

I rise today in strong support of the Bartlett amendment, which directs the Department of Homeland Security to conduct a study to see if there is a need to expand the national capital region.

The terrorist attacks of 2001 demonstrated firsthand the need for the national capital region to be expanded. The I–95 corridor, which includes the Fredericksburg/Stafford area that I represent, served as one of the major evacuation routes for D.C. Anybody who drove down that 95 corridor on September 11, 2001, would agree that, as one of the main evacuation routes, it is necessary to secure sufficient infrastructure along I–95 to handle any mass evacuation.

The current definition of the national capital region should be expanded as a result of the new threats to homeland security. I urge all of my colleagues to support the Bartlett amendment. I urge my colleague from D.C. to look at where those areas that she says need to be protected, where they are located.

Ms. NORTON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. LINDER). The gentlewoman from the District of Columbia (Ms. NORTON) has 30 seconds remaining.

Ms. NORTON. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I could take much longer than 30 seconds just to list the highest priority targets that are within the national capital region.

The reality of what this is going to lead to is that you are going to have to substantially expand the amount of money available for homeland security or draw from other parts of the country to adequately protect the Capitol, the White House, the CIA, the Pentagon and the immediate suburbs of Northern Virginia, Maryland and, particularly, the District of Columbia; you have got to provide adequate resources. This is where the terrorists are going to target. This is ground zero. This is where the money needs to be concentrated.

If we had enough money, we would love to go beyond that area. I do not think we can afford to.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Permanent Select Committee on Intelligence.

Mr. HOEKSTRA. Mr. Chairman, I think this is a good amendment. I support the amendment. This is an amendment we would like to have in the en bloc amendment. But having this study available for the national capital region is helpful. I think it is the right thing to do, but it is also helpful in determining and developing a case study which could be used in other areas.

I support the amendment.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on 9/11, our world changed. What used to be adequate for the greater metropolitan area of Washington, which is defined by the national capital region, generally, what was adequate then may not be adequate now.

This is a very simple amendment. It simply asks for a commission to study; we need to look at what the national capital area represents, and is the infrastructure here adequate to meet the kind of a terrorist attack that we might anticipate in the future? It is a very simple amendment, sir.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. BARTLETT).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 23 printed in House Report 108–751.

AMENDMENT NO. 23 OFFERED BY MR. PORTER

Mr. PORTER. 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. 23 offered by Mr. PORTER:

At the end of subtitle C of title V (page 493, after the item after line 21) add the following:

**SEC. ____. UNDER SECRETARY FOR THE PRIVATE SECTOR AND TOURISM.**

(a) ESTABLISHMENT OF UNDER SECRETARY FOR THE PRIVATE SECTOR AND TOURISM.—Section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is further amended by redesignating paragraphs (2) through (10) in order as paragraphs (3) through (11), and by inserting after paragraph (1) the following:

''(2) An Under Secretary for the Private Sector and Tourism.''.

(b) FUNCTIONS.—Section 102(f) of such Act (6 U.S.C. 112(f)) is further amended—

(1) by striking so much as precedes paragraph (1) and inserting the following:

''(f) UNDER SECRETARY FOR THE PRIVATE SECTOR AND TOURISM.—The Undersecretary for the Private Sector and Tourism shall be responsible for—''; and

(2) by striking ''and'' after the semicolon at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting a semicolon, and by adding at the end the following:

''(9) employing an analytic and economic staff who shall report directly to the Under Secretary on the commercial and economic impact of Department polices;

''(10) coordinating with the Office of State and Local Government on all matters of concern to the private sector, including the tourism industry; and

''(11) coordinating with the Assistant Secretary for Trade Development of the Department of Commerce on means of promoting tourism and travel to the United States.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 827, the gentleman from Nevada (Mr. PORTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

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

Mr. Chairman, I offer an amendment to H.R. 10 that will recognize the importance of the private sector and the tourism industry in particular in our Nation's homeland security.

I, like many Members here today in this great body, have read the 9/11 report and am anxious to act on its findings.

I would like to quote from that report: ''The mandate of the Homeland Security Department does not end with the government. The Department is also responsible for working with the private sector to ensure preparedness.''

It also says, the ''private sector preparedness is not a luxury. It is a cost of doing business in the post 9/11 world.''

Mr. Chairman, we currently have a Special Assistant to the Secretary for the Private Sector, before the report was published, and unfortunately, the report says we still are not helping the private sector enough.

As an example, the Las Vegas community in the great State of Nevada, we had applied for the Urban Area Security Initiatives Grants and determined that, initially, we did not qualify because we are a small State of approximately 2 million people. With further research, they realized that we have 38 million tourists that visit the great State of Nevada annually. That is an example where there are some challenges with the current law.

We need to promote this position to give it the weight, to make sure private industry is helped and encouraged in its effort to enhance homeland security while staying in business, protecting their employees and their customers.

Again, as I read the 9/11 report, it mentioned how easily the terrorists mingled with the 500 million people who travel across our borders every year and with the hundreds of millions more who travel internally in this country. As I said, Nevada has close to 38 million visitors a year.

The report has some excellent ideas on how to improve transportation and border security, and I look forward to passing those suggestions. But the travel and tourism industry is the number one, number two and number three industry in every State of the union. It is the common element of the private sector in every community. Domestic travellers spend close to $500 billion annually in this country. Foreign tourism contributes $80 billion to our economy. Tourism generates close to $95 billion in taxes, and tourism in our country supports 7.2 million jobs, generating $158 billion in payroll.

As a matter of fact, Las Vegas is the bellwether for an ever-changing and improving economy, creating close to 40,000 new jobs alone in the last year.

Mr. Chairman, my amendment ensures that the DHS has a senior official that recognizes the importance of this industry and all industry and provides liaison with other Federal agencies active on this very important issues.

Our small businesses, their employees, their customers deserve to have their needs count when homeland security decisions are made.

It is important to note that this amendment does not cost the Federal Government in additional dollars or disrupt the operation of any agencies. Mr. Chairman, I urge the House to pass my amendment.

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

Mr. TURNER of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, the gentleman from Nevada (Mr. PORTER) offers an amendment that points to the very important relationships between our homeland security and what goes on in our private sector.

The 9/11 Commission recognized the critical role that the private sector plays in protecting our citizens from harm. The commission did not make the recommendations contained in the gentleman's amendment, but rather, one of the core recommendations of the 9/11 Commission did deal with the subject matter of the gentleman's amendment; and that is the recommendation to enhance preparedness for all disasters and emergencies, including acts of terrorism in the private sector.

They specifically recommended that the Department of Homeland Security promote the adoption of private sector preparedness standards that have been developed by the American National Standards Institute.

Once again, like many of the other recommendations of the 9/11 Commission, H.R. 10 includes no provisions to deal with the need for standards for private sector preparedness. In the aftermath of the 9/11 attacks, the commission found that many of the tenants of the World Trade Center were unprepared for the catastrophic events that occurred. Many businesses did not regularly practice evacuation drills. Few had alternative communication systems, and many firms lacked the ability to identify who was working on that particular day.

The Democratic substitute offered by the gentleman from New Jersey (Mr. MENENDEZ), like the Private Sector Preparedness Act which I introduced back in July, establishes a program to ensure the safety and security of citizens while they are at work. It would provide businesses with the guidance they need to develop evacuation plans to account for all of their employees and to get back in business as soon as possible following a disaster.

We understand that 85 percent of all critical infrastructure in our country is owned and operated by the private sector. It is, therefore, clear that a national standard is necessary to guarantee the safety of the American people. Yet, despite this very apparent and critical need, H.R. 10 fails to adopt in this 9/11 Commission's recommendations and, therefore, leaves a glaring gap in our Nation's security.

I commend the gentleman for his amendment. I think that it is one that the department could, under existing law in the Homeland Security Act, carry out, but the effect of the amendment will be to urge the department to recognize the critical role of the private sector in our preparedness for terrorist instances. And it will also, I think, point out to the department that we must make an even greater effort to ensure that, as we impose security, we do not jeopardize the movement of commerce, the movement of trade; we do not jeopardize tourism, which is so vitally important to this country, particularly to the district and the State represented by the gentleman who offered the amendment.

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

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

Mr. Chairman, I appreciate the comments from my colleague. I will conclude by stating the importance of this is for the safety first of those visiting and traveling to our communities, providing the expertise from those individuals that deal with, on a daily basis, the handling of millions and millions of visitors to our great State and to our country and to the businesses that do the same.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Chairman, I rise in support of the 9/11 Recommendations Implementation Act. I urge all of my colleagues on both sides of the aisle to support it. I want to thank those who brought good ideas to the process to make this country safer.

I want to thank the 9/11 Commission for their recommendations and the stellar work of both the chairman and the vice chairman of that committee over a long period of time to take the

interest of this Nation at heart, to try to craft recommendations that make this country safer against terrorists.

I want to thank the chairmen and ranking members of the committees of jurisdiction in this House of Representatives. They have done an incredible job. They have come together. They have worked hard and, by and large, on a bipartisan basis to find good answers to tough problems. They have worked hard to provide us with their best ideas on how to implement these recommendations.

Some of my colleagues on the other side of the aisle complained about the process, and I must admit that I am baffled by those complaints. We had countless hearings during the August recess in every committee of jurisdiction. We had 20-some hearings on this issue in the last couple of months. We have had an open amendment process at the committee level, and we carefully considered the ideas of the commission and of the committees' chairmen, and we came up with a response that will make this country safer.

Some have complained that we are going too slow. Some have complained that we are going too fast. Some said our bill was too strong. Others said this bill is too weak. Some have complained because it is simply their nature to complain. Despite the complaints, I am proud of this work product.

This legislation will make this country safer. It will make our families safer. It will ensure the safety of our children and our parents. It is comprehensive. It reforms the government to make it more effective in battling terrorists that want to do harm to this country. It creates a National Intelligence Director. The new position will have full budget authority. It creates the National Counterterrorism Center and a Joint Intelligence Community Council. It improves terrorism prevention and prosecution so that we can get the terrorists and those who help them before they get us.

□ 1345

It improves border security. It makes it harder for terrorists to travel to America.

One provision that has drawn quite a bit of attention deals with the convention against torture. We do not condone torture in this country or any other country, but we do not want known terrorists and criminals living among us either.

The courts have said criminal aliens and terrorists cannot be held indefinitely in the United States, but the convention against torture says we cannot deport some people back to their own country if they ask for political asylum because of torture.

In 500 cases, the Justice Department has been forced to release alien terrorists and other international criminals whom they cannot detain and they cannot deport. I do not think that makes any sense. If you find a rattlesnake in your backyard, you should not be forced to release it in your front yard.

We have reached a common-sense solution to this problem by giving the Justice Department the power to continue to hold those terrorists and those alien criminals.

These are the kinds of solutions that my colleagues will find in our bill. They will not find it in the minority's alternative.

Why is this type of provision so controversial? To me, it just makes sense.

Yes, we disagree with the other body when it comes to making our intelligence budget public. We believe that telling our enemies how much we spend on certain intelligence programs diminishes our national security. Why should we give those who want to do us harm any information that might help them?

Yesterday, I met with three women who lost loved ones in the 9/11 attacks. I can only imagine the pain that they feel every day, and I know the passion that they bring to this debate today. We share their sense of loss. We share their commitment to making this country, this Nation, safer.

I have a simple message for them. We will get this job done. The process will work. We will pass a bill today that implements the 9/11 Commission recommendations. We will appoint conferees that will hammer out a good conference report that will be signed by the President of the United States.

Yes, at the end of the day, we will enact a law that will make our country safer, this America, the United States of America, and the people that live in it proud.

The CHAIRMAN pro tempore (Mr. LINDER). All time for the majority side has expired.

Mr. TURNER of Texas. Mr. Chairman, I yield myself such time as I may consume.

The distinguished Speaker said he is baffled by some of the complaints that were heard by those of us who supported the Menendez substitute. I think our complaints are easy to understand.

We feel very strongly that the 9/11 Commission presented us with a package of 41 recommendations that the Commission and their cochairs all said are important. H.R. 10 only fully implements 11 of those recommendations. The Republican bill only implements 15 of them partially, and the Republican bill ignores or only mentions in passing the other 15 recommendations.

The substitute that we offered on this floor implements all of the recommendations. It does it in an effective way, and it makes the kind of commitment that Democrats have argued for the last 2 years must be made to make America safe.

We are investing today $20 billion more on homeland security than we did prior to 9/11, but in the last fiscal year, when we were investing that additional $20 billion, we were investing four times that in tax cuts for American families who make over $1 million a year. That is the wrong choice, it is the wrong priority, and our bill moves faster, it moves stronger in protecting the homeland than H.R. 10 offered by the Republican leadership.

For that reason, we believe that the Senate bill, which passed yesterday, which reflects the contents of the Menendez substitute that was on this floor yesterday, is the superior alternative to helping America stay safe; and we hope that when this bill goes to conference that the provisions of the Senate bill that are absent in H.R. 10 will be added to the final product and come back to this floor with a conference committee report that clearly reflects the wisdom and the intent of the bipartisan 9/11 Commission and the work that they did so well.

Ms. BORDALLO. Mr. Chairman, I rise in support of the Porter amendment.

Throughout this important debate, emphasis has been placed on the need to ensure information is shared within the intelligence community. As we conclude this debate, we now have before us an amendment that would ensure information on the private sector is also made a part of the process and taken into consideration in the formulation of homeland security policy.

The facts speak for themselves. The travel and tourism industry has a considerable impact on the U.S. economy—adding nearly 5 percent to the GDP, generating more than half a billion dollars in revenues, supporting more than 17 million jobs, and providing a $14 million trade surplus for our country. Mr. Chairman, an overwhelming number of the businesses in travel and tourism are small- to medium-sized enterprises. Therefore, I believe DHS should be especially cognizant of its policy and regulatory impact on the travel and tourism industry.

Whether it is our aviation industry, the aircraft designers or the airline employees on the flight line, the hotel industry, or our amusement parks, we need homeland security policy that will effectively provide for the safety of our citizens and the economic vitality of our most important industries. We should not put ourselves in a position where in an effort to protect our infrastructure, we shut down the very use of transportation services we are trying to protect.

In my district, Guam, like Nevada, tourism is a leading industry in the private sector. Post-September 11 policies have already shown a major impact on businesses in my district. What this amendment does, is ensure this impact is assessed and considered inside DHS when developing policy.

If you believe economic security ultimately underpins our national security, then you should vote for the Porter amendment.

The vitality and sustainability of the travel and tourism industry is a national economic necessity. Consumer confidence in travel and in the economy is needed. Safety and security in travel is key to this consumer confidence. By elevating the Special Assistant to an Under Secretary and by encouraging coordination with local governments and the Commerce Department, the Porter amendment gives DHS the authority it needs to craft and execute policy to achieve these goals.

I thank the gentleman from Nevada (Mr. PORTER) for his leadership, I urge adoption of

his amendment, and I yield back the balance of my time.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nevada (Mr. PORTER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN 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 No. 14 offered by Mr. SMITH of New Jersey, amendment No. 15 offered by Mr. SMITH of New Jersey, amendment No. 17 offered by Mr. OSE of California, amendment No. 19 offered by Mr. WELDON of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) 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 vote was taken by electronic device, and there were—ayes 212, noes 203, not voting 17, as follows:

[Roll No. 517]

AYES—212

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Costello
Cox
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Eshoo
Etheridge
Evans
Farr
Fattah
Foley
Ford
Fossella
Frank (MA)
Frost
Gerlach
Gilchrest
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
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 (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—203

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
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 (TX)
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—17

Ballenger
Boehlert
Engel
Filner
Gephardt
Hinojosa
Kaptur
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LINDER) (during the vote). There are 2 minutes remaining in this vote.

□ 1416

Messrs. GARRETT of New Jersey, WAMP, PICKERING, DEFAZIO, MARSHALL, and COLE changed their vote from ''aye'' to ''no.''

Messrs. KIRK, VAN HOLLEN, and LUCAS of Kentucky changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 517, I was in my Congressional District on official business. Had I been present, I would have voted ''aye.''

Stated against:

Ms. NORTHUP. Mr. Chairman, on rollcall No. 517, I inadvertently voted incorrectly. I had every intention of voting ''no'' on the amendment but mistakenly pushed the green button. I did not realize my mistake until the vote was closed.

AMENDMENT NO. 15 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) 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 197, noes 219, not voting 16, as follows:

[Roll No. 518]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gerlach
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—219

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

NOT VOTING—16

Ballenger
Boehlert
Filner
Gephardt
Hinojosa
Kaptur
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1423

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chairman, on rollcall No. 518, I was in my Congressional District on official business. Had I been present, I would have voted "aye."

AMENDMENT NO. 17 OFFERED BY MR. OSE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. OSE) 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 256, noes 160, not voting 16, as follows:

[Roll No. 519]

AYES—256

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
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
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—160

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Blumenauer
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson (IN)
Case
Clay
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Frank (MA)
Gillmor
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hoeffel
Holt
Honda

Hooley (OR)
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Snyder
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—16

Ballenger
Boehlert
Filner
Gephardt
Hinojosa
Kaptur
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1432

Mr. SHAYS changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chairman, on rollcall No. 519, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

AMENDMENT NO. 19 OFFERED BY MR. WELDON OF PENNSYLVANIA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON) 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 415, noes 0, not voting 17, as follows:

[Roll No. 520]

AYES—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
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
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)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinchey
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
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
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
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
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
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—17

Ballenger
Boehlert
Filner
Gephardt
Hinojosa
Kaptur
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Pombo
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1441

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 520, I was in my Congressional District on official business. Had I been present, I would have voted "aye."

Ms. MCCARTHY of Missouri. Mr. Chairman, the 9/11 Commission in July presented its report to the Congress and to the American people. The five Republicans and five Democrats on the panel put aside their partisan differences and made 41 recommendations, which if made law, would make this country safer. The Senate on Wednesday embraced these recommendations with the 96–2 passage of the Collins/Lieberman National Intelligence Reform Act.

I encourage the House to act in the same bipartisan manner as the Senate. H.R. 10, the 9/11 Recommendations Implementation Act, was written behind closed doors and fails to fully implement 30 of the 41 Commission recommendations.

The job of Congress is to work with the Executive Branch to keep America safe, and work with our allies to make the world safe. H.R. 10 fails to do this, and places the House on a collision course with the Senate.

Upon passage of the Senate bill, 9/11 Commission Chairman Thomas Kean and Vice Chairman Lee Hamilton praised the outstanding leadership of Senators SUSAN COLLINS and JOSEPH LIEBERMAN for their progress

in implementing the Commission's recommendations. They, along with families of 9/11 victims, expressed their desire for the House to pass a counterpart measure.

It is disappointing that the House failed to do its job today. I urge the Conferees to adopt the 9/11 Commission recommendations. We owe it to the American people and the families of victims of 9/11.

Mr. HEFLEY. Mr. Chairman, I rise today in support of H.R. 10, the 9/11 Recommendations Implementation Act. This legislation is vitally important to overhaul the nation's intelligence system, which has been in place since World War II.

There are five majors areas of reform in this legislation that will dramatically alter the way our country approaches national security.

First, this bill establishes a National Director of Intelligence who will have full budget authority over the nation's intelligence agencies. For the first time in our Nation's history, we will have one person whose sole job is to coordinate the activities and information from all of our Nation's intelligence services.

Second, this bill restructures terrorism prevention and prosecution. It gives law enforcement agencies and the Department of Justice new tools to prevent and prosecute potential terrorists and acts of terrorism. Whether it is strengthening our money laundering laws to combat terrorists' financial networks or adding additional security measures to our printed currency, this legislation will make it more difficult for terrorists to have access to financing and make it more difficult for those who want to finance terrorist activities.

Third, this legislation dramatically strengthens the security of our Nation's borders and restricts the ability of terrorists to travel. I think we can all agree the best way to keep our country safe is keep the terrorists out of our country. If terrorists do manage to get into the country, this legislation gives law enforcement officers the tools they need to make it easier to deport them. also, this legislation makes sure that our federal air marshals have anonymity on all flights, both domestic and foreign. We will add more federal air marshals to foreign flights coming into this country on both U.S. and foreign carriers. We will add a second layer of protection in cockpits, and require the use of biometrically-protected crew badges for airline employees.

Fourth, this bill reaches out to other nations to join us in combating terrorism. We will require machine-readable passports for tourists entering our country and also require that all names on passports be translated and printed in Roman alphabet for international travel documents and placed into watchlist systems. Also, this bill makes it a federal crime to give a false claim of citizenship or nationality.

Finally, this legislation restructures the government in many important ways. It provides the authorization for the intelligence community reorganization plans, it restructures the Department of Homeland Security for faster and smarter funding for first responders, and it modifies the homeland security advisory system.

Mr. Chairman, this legislation contains many important and necessary changes to our Nation's laws. I would like to thank all the members who have worked so hard on a bi-partisan basis to produce such a comprehensive piece of legislation. This is a positive step in improving the nation's intelligence system and our national security.

Mr. RYUN of Kansas. Mr. Chairman, Benjamin Franklin once said: The way to be safe is never to be secure. We must never be content in the ways things have always been, but consistently look for new ways to achieve security in our homeland. For this, I am pleased to support H.R. 10, the 9/11 Recommendations Implementation Act. I believe this legislation will provide for the much needed reorganization and new tools to help our Nation prepare and defend against further terrorist attacks.

After the horrific attacks of September 11th, it was evident that our Government needed to be transformed to meet the new challenges of this dangerous world. Soon after 9/11, and under the leadership of President Bush, various agencies with homeland security roles throughout the government were brought under the control and vision of a single Department, with the creation of the Department of Homeland Security. The hope was to break down the existing barriers and create more cooperation and communication in this critical field.

Congress is continuing this effort to improve our homeland security with the passage of H.R. 10. This legislation clearly recognizes that the United States can no longer afford to think of defending the homeland as being the responsibility of just one Department—be it Homeland Security, Justice or Defense. Many aspects of our government and society, from the FBI, to DOD's Northern Command, the Intelligence Community, the Treasury Department, Immigration, local law enforcement, our corporate partners, and the academic community all have important roles to play. All of these players must work together, in concert, to achieve the real results worthy of this great nation.

The 9/11 Commission, which is the basis of this legislation, found that government institutions failed to adapt to the threat of terrorism for more than a decade, enabling the terrorists failed to exploit deep institutional failings within our government. These failures, in part, stemmed from a strict stove-piped structure.

Our enemy is asymmetrical and unconcerned about such things as the internal structural uneasiness of sharing information inside the Intelligence Community and between other organizations. However, our enemies will certainly do everything they can to benefit from this ingrained culture—to the detriment of our society.

The 9/11 Commission concluded that: "the September 11th attacks fell into the void between the foreign and domestic threats."

The Report continues: "Information was not shared, sometimes inadvertently or because of legal misunderstandings. Analysis was not pooled. Effective operations were not launched. Often the handoffs of information were lost across the divide separating the foreign and domestic agencies of the government. . . . Action officers should have drawn on all available knowledge in the government. This management should have ensured that information was shared and duties were clearly assigned across agencies, and across the foreign-domestic divide."

Although people have levied fault on the CIA and FBI, I believe we must not single out individual agencies. Instead, we should use our energies to focus on the culture and structure of our government. As the 9/11 Commission report continues:

> The problem is nearly intractable because of the way the government is currently structured. Lines of operational authority run to the expanding executive departments, and they are guarded for understandable reasons: the DCI commands the CIA's personnel overseas; the secretary of defense will not yield to others in conveying commands to military forces; the Justice Department will not give up the responsibility of deciding whether to seek arrest warrants. But the result is that each agency or department needs its own intelligence apparatus to support the performance of its duties. It is hard to break down stovepipes when there are so many stoves that are legally and political entitled to have cast-iron pipes of their own.

The problem is clear: stove-piping of resources and responsibilities, along with not sharing the information or analysis collected is hindering our Nation's ability to remain secure. Instead of stove-piping, we must increase the flow of information inside and between government agencies while still protecting vital sources. If we are going to achieve a greater level of security in this nation, we need to break down the barriers to homeland security. We must not be bogged down in a need-to-know mentality, but most rise to a need-to-share focus.

The 9/11 Commission Recommendations bears out this solution. Repeatedly, the Commission calls for unity and the unifying of efforts across the government. It calls for unifying strategic intelligence and operational planning against Islamist terrorists across the foreign-domestic divide with a new National Counterterrorism Center. Unifying the intelligence community with a new National Intelligence Director. And, unifying the many participants in the counterterrorism efforts.

The old ways of thinking about and organizing our government have failed us. We have been confined by a vision of the past. Of local vs. federal, of domestic vs. foreign intelligence, of national security vs. law enforcement.

We instead need to focus on unity of purpose and on communication, collaboration and coordination that transcends our old structure. Only by working together, as a single unit, can we be secure. And I believe that H.R. 10 is the right step forward in doing just that.

Ms. KILPATRICK. Mr. Chairman, I rise in opposition to H.R. 10, the 9/11 Recommendations Implementation Act. I do so not because I disagree on the urgent need to reform our intelligence infrastructure. On the contrary, the 9/11 Commission clearly, articulately and convincingly makes a compelling case that the U.S. intelligence network is in great need of overhauling.

My reasons for voting against the measure deal less with the concept of intelligence reform and more with the substance of the bill we are considering today. The measure before us today is improperly titled. The "9/11 Recommendations Implementation Act" should really be re-titled as the "Immigration Reform Act of 2004."

I am particularly sensitive to issues of homeland security and intelligence capabilities. My district encompasses the majority of the City of Detroit, which borders our northern neighbor—Canada. Detroit is the Motor City capital of the world, and as such, we are economically dependent on the cross-border auto trade transported through the Port of Detroit. Securing the critical infrastructure such as the

Ambassador Bridge, the Detroit-Windsor Tunnel, and the Port of Detroit is vital to the economic wellbeing of our city, region, state, and nation. Protecting the rights of way of these thoroughfares is critical to the health of the American automobile industry, the largest industry in the manufacturing sector. Protecting these assets against terrorist attack is so important that the City of Detroit is one of the few major cities in the United States that has created an Office of Homeland Security. Matters of homeland security and enhanced intelligence capabilities are urgent concerns to my district and they should not be trivialized. The Republican Leadership in this chamber had the opportunity to stitch together a bill that would strengthen the nation's intelligence apparatus, but frankly it has ''pooched'' the job. The Leadership has confused the 9/11 Commission's urging to enhance America's security apparatus with its predilection to crackdown on the nation's immigrants.

The only area where the bill makes its mark on strengthening the intelligence community is the establishment of a National Intelligence Director (NID). But all progress at intelligence reform ends there—with the creation of NID. We create a position but gives the person occupying it no powers and no authority to implement any significant changes in the intelligence bureaucracy. For example, the NID has no budget authority, no hiring authority, and on reprogramming authority. By establishing a position of power without authority to hire or fire or to control the budget, we are in fact creating a paper tiger, a position with a lot of roar and no bite. The members of the 9/11 Commission have expressed their support for a strong NID, but the bill crafted by the Republican leadership fails to meet their expectations.

This bill does very little in the way of strengthening the intelligence community. It goes a long way in turning the U.S. immigration system upside down. I support immigration reform, but we should not be enacting such sweeping changes under a bill whose purpose is to reform and reorganize the intelligence community. The Republican Leadership is confused. It took its eye off the goal of intelligence reform and moved forward with a bill that cracks down on immigrants.

Let me highlight some of the more egregious provisions of this bill. The ''Lone Wolf'' provision would remove the requirement that non-citizen targets of secret intelligence surveillance be connected to a foreign power. The bill would permit the deportation of individuals to countries lacking a functioning government—an issue that is currently before the U.S. Supreme Court. The bill makes asylum claims more restrictive. The bill restricts the use of internationally accepted consular identification cards. Immigrants are being used as a wedge issue in this presidential election year. The bill is designed to mobilize the base vote of neo-isolationists and not the legitimate security concerns confronting our country and our countrymen and women.

By using immigration as a wedge issue, we are distracted from taking a thoughtful approach to improving our intelligence capability. We are undermining our efforts to combat terrorism. Many on my side of the aisle will be voting to support this bill in order to move the process forward in the hope that a final product will be closer to the bill that was approved in the other chamber. My vote today is based on the substance and the merit of the provisions contained in this bill before us today. If a conference agreement can produce a bill that truly strengthens our intelligence community, it will have my support. Today, I must cast my vote against the passage of H.R. 10.

Mr. PAUL. Mr. Chairman, the 9/11 Recommendations Implementation Act (H.R. 10) is yet another attempt to address the threat of terrorism by giving more money and power to the federal bureaucracy. Most of the reforms contained in this bill will not make America safer, though they definitely will make us less free. H.R. 10 also wastes American taxpayer money on unconstitutional and ineffective foreign aid programs. Congress should make America safer by expanding liberty and refocusing our foreign policy on defending this nation's vital interests, rather than expanding the welfare state and wasting American blood and treasure on quixotic crusades to ''democratize'' the world.

Disturbingly, H.R. 10 creates a de facto national ID card by mandating new federal requirements that standardize state-issued drivers licenses and birth certificates and even require including biometric identifiers in such documents. State drivers license information will be stored in a national database, which will include information about an individual's driving record!

Nationalizing standards for drivers licenses and birth certificates, and linking them together via a national database, creates a national ID system pure and simple. Proponents of the national ID understand that the public remains wary of the scheme, so they attempt to claim they're merely creating new standards for existing state IDs. Nonsense! This legislation imposes federal standards in a federal bill, and it creates a federalized ID regardless of whether the ID itself is still stamped with the name of your state. It is just a matter of time until those who refuse to carry the new licenses will be denied the ability to drive or board an airplane. Domestic travel restrictions are the hallmark of authoritarian states, not free republics.

The national ID will be used to track the movements of American citizens, not just terrorists. Subjecting every citizen to surveillance actually diverts resources away from tracking and apprehending terrorist in favor of needless snooping on innocent Americans. This is what happened with ''suspicious activity reports'' required by the Bank Secrecy Act. Thanks to BSA mandates, federal officials are forced to waste countless hours snooping through the private financial transactions of innocent Americans merely because those transactions exceeded $10,000.

Furthermore, the Federal Government has no constitutional authority to require law-abiding Americans to present any form of identification before engaging in private transactions (e.g. getting a job, opening a bank account, or seeking medical assistance). Nothing in our Constitution can reasonably be construed to allow government officials to demand identification from individuals who are not suspected of any crime.

H.R. 10 also broadens the definition of terrorism contained in the PATRIOT Act. H.R. 10 characterizes terrorism as acts intended ''to influence the policy of a government by intimidation or coercion.'' Under this broad definition, a scuffle at an otherwise peaceful pro-life demonstration might allow the federal government to label the sponsoring organization and its members as terrorists. Before dismissing these concerns, my colleagues should remember the abuse of Internal Revenue Service power by both Democratic and Republican administrations to punish political opponents, or the use of the Racketeer Influenced and Corrupt Organizations (RICO) Act on anti-abortion activists. It is entirely possible that a future administration will use the new surveillance powers granted in this bill to harm people holding unpopular political views.

Congress could promote both liberty and security by encouraging private property owners to take more responsibility to protect themselves and their property. Congress could enhance safety by removing the roadblocks thrown up by the misnamed Transportation Security Agency that prevent the full implementation of the armed pilots program. I cosponsored an amendment with my colleague from Virginia, Mr. Goode, to do just that, and I am disappointed it was ruled out of order.

I am also disappointed the Financial Services Committee rejected my amendment to conform the regulations governing the filing of suspicious activities reports with the requirements of the U.S. Constitution. This amendment not only would have ensured greater privacy protection, but it also would have enabled law enforcement to better focus on people who truly pose a threat to our safety.

Immediately after the attack on September 11, 2001, I introduced several pieces of legislation designed to help fight terrorism and secure the United States, including a bill to allow airline pilots to carry firearms and a bill that would have expedited the hiring of Federal Bureau of Investigation (FBI) translators to support counterterrorism investigations and operations. I also introduced a bill to authorize the president to issue letters of marque and reprisal to bring to justice those who committed the attacks of September 11, 2001, and other similar acts of war planned for the future.

The foreign policy provisions of H.R. 10 are similarly objectionable and should be strongly opposed. I have spoken before about the serious shortcomings of the 9/11 Commission, upon whose report this legislation is based. I find it incredible that in the 500-plus page report there is not one mention of how our interventionist foreign policy creates enemies abroad who then seek to harm us. Until we consider the root causes of terrorism, beyond the jingoistic explanations offered thus far, we will not defeat terrorism and we will not be safer.

Among the most ill-considered foreign policy components of H.R. 10 is a section providing for the United States to increase support for an expansion of the United Nations ''Democracy Caucus.'' Worse still, the bill encourages further integration of that United Nations body into our State department. The last thing we should do if we hope to make our country safer from terrorism is expand our involvement in the United Nations.

This bill contains a provision to train American diplomats to be more sensitive and attuned to the United Nations, the Organization for Security and Cooperation in Europe (OSCE)—which will be in the U.S. to monitor our elections next month—and other international non-governmental organizations (NGOs). even worse, this legislation actually will create an ''ambassador-at-large'' position

solely to work with non-governmental organizations overseas. It hardly promotes democracy abroad to accord equal status to NGOs, which, after all, are un-elected foreign pressure groups that, therefore, have no popular legitimacy whatsoever. Once again, we are saying one thing and doing the opposite.

This bill also increases our counterproductive practice of sending United States' taxpayer money abroad to prop up selected foreign media, which inexplicably are referred to as ''independent media.'' This is an unconstitutional misuse of tax money. Additionally does anyone believe that citizens of countries where the U.S. subsidizes certain media outlets take kindly to, or take seriously, such media? How would Americans feel if they knew that publications taking a certain editorial line were financed by foreign governments? We cannot refer to foreign media funded by the U.S. government as ''independent media.'' The U.S. government should never be in the business of funding the media, either at home or abroad.

Finally, I am skeptical about the reorganization of the intelligence community in this legislation. In creating an entire new bureaucracy, the National Intelligence Director, we are adding yet another layer of bureaucracy to our already bloated federal government. Yet, we are supposed to believe that even more of the same kind of government that failed us on September 11, 2001 will make us safer. At best, this is wishful thinking. The constitutional function of our intelligence community is to protect the United States from foreign attack. Ever since its creation by the National Security Act of 1947, the Central Intelligence Agency (CIA) has been meddling in affairs that have nothing to do with the security of the United States. Considering the CIA's overthrow of Iranian leader Mohammed Mossadeq in the 1950s, and the CIA's training of the Muhajadin jihadists in Afghanistan in the 1980s, it is entirely possible the actions of the CIA abroad have actually made us less safe and more vulnerable to foreign attack. It would be best to confine our intelligence community to the defense of our territory from foreign attack. This may well mean turning intelligence functions over to the Department of Defense, where they belong.

For all of these reasons, Mr. Chairman, I vigorously oppose H.R. 10. It represents the worst approach to combating terrorism—more federal bureaucracy, more foreign intervention, and less liberty for the American people.

Mr. DEFAZIO. Mr. Chairman, I rise today to discuss H.R. 10, the legislation that ostensibly implements the recommendations made by the independent commission that investigated the federal government's failure to prevent the terrorist attacks of September 11, 2001.

Let me say at the outset that this bill is certainly not perfect. But, I am pleased it includes a number of critical aviation security improvements I have pushed for.

It also includes the core recommendation made by the 9/11 Commission to create a National Intelligence Director to centralize coordination and oversight of the disparate branches of our intelligence community.

Therefore, despite some flaws, I will vote for H.R. 10, with the hope that its shortcomings can be resolved in the conference with the Senate.

I want to expand on my comments about the aviation security provisions in H.R. 10. I am pleased that this bill provides $60 million over two years for the deployment of checkpoint explosive detection equipment. The bill also directs the Transportation Security Administration (TSA) to give priority to developing, testing, improving, and deploying equipment at screening checkpoints that will be able to detect nonmetallic weapons and explosives on individuals and in their baggage.

This bill would implement the 9/11 Commission recommendation that TSA not wait until the issues surrounding a successor to the CAPPS program are resolved before utilizing all available government terrorist watch lists to prescreen passengers boarding an aircraft. The air carriers currently manage the ''no-fly'' and ''automatic selectee'' lists that they receive from TSA. Because the airlines have access to these lists, some government agencies are unwilling to give their watch lists to TSA because they are reluctant to share intelligence information with private firms. This problem will be resolved when TSA takes over the passenger pre-screening function, as mandated by this bill.

Perimeter security is still a weak link in aviation security as evidenced by the recent events at the Orlando airport in which workers were charged with sneaking drugs and guns aboard commercial aircraft. Importantly, the bill requires TSA to submit a study to Congress on airport perimeter security to determine the feasibility of access control technologies and procedures, as well as an assessment of the feasibility of physically screening all individuals prior to entry into secure areas of an airport.

With regard to strategic planning, the bill requires the Department of Homeland Security to develop a risk-based strategic plan to protect transportation assets in general, and aviation assets in particular. The bill would also require the TSA to develop a threat matrix that outlines each threat to the civil aviation system, and the layers of security to respond to that threat. A strong strategic planning process may avert any future ''failures of imagination'' as cited by the Commission.

The bill also incorporates H.R. 4914, the Aviation Biometic Technology Utilization Act, which I introduced with Chairman MICA. Biometric technologies can improve aviation security, and the TSA must act quickly to promulgate guidelines and standards for biometrics so that airports can equip with biometric access control technology.

In addition, the bill incorporates H.R. 4056, the Commercial Aviation MANPADS Defense Act of 2004, which I also introduced with Chairman MICA. MANPADS have been used against commercial airplanes and we must do what we can to reduce the threat of MANPADS by working to reduce their availability and developing plans to secure airports and the aircrafts arriving and departing from airports against MANPADS attacks.

The bill contains several other important provisions including a pilot program to determine whether federal flight deck officers can be permitted to carry weapons on their persons, as well as directing TSA to: conduct a pilot program for the use of blast resistant cargo containers; continue its efforts to develop technology to screen cargo; conduct a study on the viability of technologies that would provide discreet methods of communication for flight cabin crew to notify pilots in the event of a security breach, and a study on the costs and benefits associated with the use of secondary flight deck barriers. In addition, I am pleased a provision was included to require the Director of the Federal Air Marshal Service to develop operational procedures that ensure the anonymity of Federal air marshals.

I am also pleased that this legislation implements the core recommendation of the 9/11 Commission—creation of a National Intelligence Director. While the bill may not create quite as robust an NID as the Senate legislation, it does represent a useful step in bringing accountability to the intelligence community and improving coordination.

Despite the aviation security provisions I mentioned previously, there are shortcomings in the transportation security provisions of H.R. 10. For example, there is no money to deploy explosive detection systems to screen checked baggage. In the security bill approved by the House Transportation and Infrastructure Committee, on which I sit, we included an additional $250 million in mandatory spending to deploy these critical devices. Unfortunately, this provision was stripped out of the version of H.R. 10 on the floor today. Further, H.R. 10 does next to nothing to improve rail, mass transit, or port security. These shortcomings need to be addressed in the conference with the Senate.

I am also concerned that H.R. 10 is weak on combating the proliferation of weapons of mass destruction. The bill just requires a study of how to strengthen our non-proliferation programs. We don't need another study. We already know what needs to be done. In 2001, a bipartisan commission recommended tripling funding to $3 billion a year for programs to help secure nuclear materials around the world from terrorists. The non-proliferation programs under Nunn-Lugar should also be expanded beyond the states of the former Soviet Union in order to secure nuclear materials in other countries, notably Pakistan. The non-proliferation provisions of H.R. 10 should be strengthened in conference.

I am opposed to a provision in H.R. 10 that would violate U.S. obligations under the Convention on Torture by allowing the U.S. to deport suspects to countries that might torture them. While I supported an amendment that was adopted during consideration of H.R. 10 to slightly improve the provision in H.R. 10 authorizing deportation of suspects to countries with atrocious human rights records so it wasn't quite as objectionable, I would rather see the provision removed all together during the conference with the Senate.

I am concerned that the civil liberties protections in H.R. 10 are too weak. H.R. 10 creates a Civil Liberties Protection Officer that is appointed by and reports to the NID, which means he or she is not independent. Under these circumstances, the officer is unlikely to provide robust protection for civil liberties. By contrast, the 9/11 Commission and the Senate legislation propose an independent Privacy and Civil Liberties Oversight Board. The Senate legislation also includes an Office for Civil Rights and Civil Liberties as well as a Privacy Officer within the National Intelligence Authority. The Board would continually review legislation, regulations and policies for their impact on privacy and civil liberties. The Board would be required to issue reports to Congress at least twice a year and to make the reports available to the public. I hope that the Senate

provisions on civil liberties oversight will be included in any final legislation that emerges from conference.

Finally, I have serious concerns about a number of provisions in H.R. 10 that will expand the law enforcement powers of the federal government. As one who voted against the so-called USA PATRIOT Act because of my concerns about its impact on the civil liberties of average American citizens, I am concerned that H.R. 10 will unnecessarily expand the reach of the federal government in ways that are not necessary to defeat terrorists, but will pose a lasting threat to the rights we are guaranteed under the U.S. Constitution. I would rather that these provisions be considered carefully by Congress next year during the debate over whether to renew the PATRIOT Act rather than having them slipped into H.R. 10 with little debate.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to express my concern on the course our Congress has taken.

We had a clear choice before us to have passed the Menendez substitute, a bipartisan approach that followed the recommendations of the 9/11 Commission—a Commission that for three years studied the vulnerabilities of our national intelligence community and homeland security and then provided thoughtful, nonpartisan recommendations.

Or pass a partisan House Republican bill that was slapped together in a matter of months to address immediate political measures.

Unfortunately, this Republican led Congress chose the quick fix.

It is important to note that the Senate took these same nonpartisan recommendations to heart and passed a bipartisan bill overwhelmingly 96–2.

As legislators and as leaders of this country, our job is incomplete. We will be revisiting these measures again—and again—until we get it right.

Because, Mr. Chairman, we cannot afford to get this wrong. At stake is the safety and security of the American people and the future of our children.

H.R. 10 implements only eleven of the forty-one 9/11 Commission recommendations. However, included in this legislation are more than fifty extraneous provisions not recommended by the 9/11 Commission.

As a senior member on the House Transportation and Infrastructure Committee, I am appalled that this legislation has not done more to protect our ports, our national transit systems and our overall transportation infrastructure.

These are obvious vulnerabilities that are not being addressed! Think about the not so obvious vulnerabilities that are being overlooked!

It was our transportation vulnerabilities that the 9/11 terrorists used to attack us on that fateful day and it is likely that it will be transportation that these terrorists will target again.

Aside from the Aviation Subcommittee, our Full Committee was not consulted on the drafting of this bill and I believe that some of the aviation provisions do not go far enough.

For example, H.R. 10 simply states that priority be given to improved explosive detection. This is disingenuous. As the Menendez substitute clearly states all high-risk passengers must be screened for explosives until the explosive detection technology is improved. We must be clear and we must be direct when we address the security of the American people.

On that note, I would like to commend one provision that is in this bill. H.R. 10 took the Commission's recommendation on blast resistant containers and language that I recently introduced to create a blast resistant container pilot program that integrates this technology with our aviation system. This is an important step and one that is long over due.

Since 9/11, the Transportation and Infrastructure has embraced a bipartisan approach in reviewing and addressing the transportation vulnerabilities that face our Nation.

We have accomplished much.

Last week our Committee unanimously reported a bipartisan transit security bill last week that would provide critically needed funding for security improvements for our public transit systems.

Unfortunately, these measures will not be included or addressed in H.R. 10.

Mr. Chairman, it is because of these reasons that we will return to this Chamber and revisit these vital issues again and again until we get it right.

Mr. ROGERS of Michigan. Mr. Chairman, our antiquated federal pay system does not adequately account for the unique needs of federal law enforcement officers.

For example, the current salary, including all overtime payments, for a FBI Special Agent in San Francisco is $56,453. But even a ''low-income home'' within a 60 to 90 minute commute from San Francisco costs $300,000, requiring a mandatory income of $86,000. As a result, agents commonly face four hour daily commutes on top of their regular ten hour plus shifts. Because staffing decisions are based on the needs of the nation, today many federal law enforcement officers are being asked to live beyond their means in order to serve their country.

Mr. Chairman, the 9/11 Commission Report's specific policy recommendations are underpinned by two important general conclusions. First, that the FBI is central to the war on terrorism and second, the need to provide adequate resources to FBI Agents. In fact, on pages 425–426 of their report, the 9/11 Commission says:

> A specialized and integrated national security workforce should be established at the FBI consisting of agents, analysts, linguist, and surveillance specialists who are recruited, trained, rewarded, and retained to ensure the development of an institutional culture imbued with a deep expertise in intelligence and national security.

Mr. Chairman, developing and maintaining an ''institutional culture imbued with deep expertise'' is severely undermined by the Bureau's inability to retain highly skilled agents in high-cost of living areas. Often, agents will seek to transfer out of high-cost of living areas, like New York, San Francisco, and Los Angeles, to name a few. The disincentive to stay in high-cost of living areas makes it more difficult for the FBI to recruit the best agents to serve in supervisory positions, and thus creates an obstacle to creating the type of institutional culture the Report calls for. If the high-cost of living in certain areas was mitigated, this disincentive could be removed, and it would be easier to create a more healthy seniority system that would allow a strong intelligence culture to flourish.

Also on page 426, the 9/11 Commission says ''The FBI should fully implement a recruiting, hiring, and selection process for agents and analysts that enhances its ability to target and attract individuals with educational and professional backgrounds in intelligence, international relations, language, technology, and other relevant skills.''

Mr. Chairman, the status quo's inability to fairly compensate FBI agents in high-cost areas is undermining the Bureau's ability to recruit and retain highly skilled individuals in crucial locations. For instance, cities such as New York, Los Angeles, and San Francisco are uniquely vulnerable to terrorist threats. The Report makes it clear that Congress must undertake efforts to ensure that the FBI is able to attract and retain employees possessing high-level skills. These employees must be fairly compensated with consideration of the cost of living in these areas in order for the Bureau to retain their services.

Mr. Chairman, H.R. 10 takes a positive first step by providing recruitment and retention bonuses to federal law enforcement, particularly the FBI. However, it is imperative that this Congress act on fundamental pay reform in an expeditious manner.

Mr. LEVIN. Mr. Chairman, the bill before the House today is intelligence reform more in name than in reality. In fact, the Republican Leadership's bill, H.R. 10, ignores most of the recommendations made by the 9/11 Commission. Of the 41 recommendations made by the Commission, H.R. 10 fully implements only 11 of them.

On October 2, the Family Steering Committee, which is made up of the families of 9/11 victims, issued a statement that said, ''House of Representatives bill H.R. 10, drafted in response to the 9/11 Commission recommendations, is flawed because it does not provide for a strong National Intelligence Director. It also contains controversial, divisive provisions which may have merit but warrant separate debate.'' The Family Steering Committee's statement called on the House to adopt the bipartisan Senate bill, which has been championed in the House by Representatives SHAYS, MALONEY and MENENDEZ.

It should come as a surprise to no one that the Republican Leadership, which long opposed the creation of the 9/11 Commission, turned a deaf ear to the views of the Commission and the 9/11 families. The more than 50 extraneous provisions that were not recommended by the 9/11 Commission remain in the bill. Some of these provisions are very controversial. To add insult to injury, the House Leadership restricted the opportunity of Members to amend and strengthen the bill.

There have been two distinctly different approaches followed in the House and Senate on the critical issue of implementing the recommendations of the 9/11 Commission. In the Senate, there has been an open and bipartisan process used to develop a bill that truly reflects the recommendations of the Commission. The Collins-Lieberman legislation in the Senate has been endorsed by the 9/11 Commission, the 9/11 Family Steering Committee, and even the White House. The Senate bill, which was adopted on a vote of 96 to 2, was the product of extensive deliberation and bipartisan cooperation.

The Republican Leadership in the House took a different road. They introduced a bill

that was developed in secret with no meaningful input from Democrats. This partisan process has produced a weak bill that does not reflect the recommendations of the 9/11 Commission. For all these reasons, I voted for the Menendez substitute, which is based on the bipartisan Senate bill and fully implements the reforms recommended by the 9/11 Commission. The Menendez substitute is supported by the 9/11 families. I regret that the House narrowly defeated this proposal last night.

By supporting the Menendez substitute, and opposing the flawed and wholly insufficient underlying bill, I hope we can send a clear message that we stand with the 9/11 Commission and the 9/11 families in supporting genuine, meaningful intelligence reform. I hope this message will be heard by the House and Senate conferees as they work to reconcile the House and Senate bills.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 10, the so-called 9/11 Recommendations Implementation Act. At a time when our national security is at risk and our brave troops are fighting overseas, it is shameful that the Republican leadership has chosen to present a partisan bill that does not effectively implement the recommendations of the bipartisan 9/11 Commission. In fact, of the Commission's 41 recommendations, H.R. 10 only fully implemented eleven. Fifteen are not implemented at all, and another 15 are incomplete.

On the other hand, many of the provisions in H.R. 10 go far beyond the recommendations of the September 11th Commission. This is obviously an attempt by the Republican leadership to insert previously rejected proposals into this important bill at the final hour. In fact, the 9/11 Commission's Republican Chairman, Thomas Kean, said that the contentious provisions were being promoted by ''people who don't want the intelligence legislation to pass.'' Former Representative Lee Hamilton, the Commission's vice chairman, said, ''Consideration of controversial provisions at this late hour can harm our shared purpose.'' The Family Steering Committee of the victims of September 11th is concerned that if H.R. 10 is passed by the House, ''the hard work of the Commission and the dedication of the 9/11 families will be undermined, as will the safety of our nation.''

Many of the controversial and mean-spirited measures included in this bill are extremely harmful to immigrants, asylum-seekers, and refugees. These measures have been included although they do not make our nation any safer. H.R. 10 allows immigration officials to deport foreign nationals for whatever reason they see fit, devoid of judicial review, to countries that openly use torture when interrogating prisoners.

Unbelievably, H.R. 10 places an extreme burden of proof on asylum-seekers, many of whom have been victims of brutality in their native lands, requiring them to provide evidence that he or she would be tortured if returned to his or her point of origin. This violates the current standards established under the U.N. Convention Against Torture already in place. And what kind of message does it send to our troops engaged in combat? If the United States is seen by the world as being willing to outsource torture, how can we be sure that our military men and women captured overseas will be treated decently?

In addition, H.R. 10 would further undermine the right to basic due process protections for non-citizens by prohibiting habeas corpus review of many immigration decisions and by prohibiting federal courts from granting stays of deportation while cases are pending.

This bill even includes language blocking use of matricula consular cards, for identification purposes, even though the House voted to allow their use. This provision has nothing to do with the 9/11 Commission and protecting national security. It is simply an irrelevant action.

Furthermore, this legislation does not properly refocus our intelligence efforts on Afghanistan, the nation which harbored the terrorists who attacked us on September 11, as the 9/11 Commission recommended. H.R. 10 also does not include Commission recommendations to provide strong budgetary authority for the newly-created National Intelligence Director, protect civil liberties through the creation of an effective and independent civil liberties board, or address the need for Congressional reform. That is simply unacceptable.

I supported the Menendez amendment which institutes the recommendations of the 9/11 Commission, is a closer reflection of the bipartisan legislation passed in the Senate, and does not include the dangerous and extraneous provisions in H.R. 10. Unfortunately, that amendment was not successful; but fortunately those conferees will have one more opportunity to get it right. We should now support the Senate bill and move to protect our nation's safety while preserving the beliefs and traditions of liberty and freedom we cherish. H.R. 10 does not make the United States as safe as it can be. I urge my colleagues to vote no on H.R. 10.

Mr. NETHERCUTT. Mr. Chairman, it is clear that our current intelligence system has failed us in recent years.

I do not doubt the capacities of individual analysts within our intelligence agencies and know them to be talented and capable individuals. But the configuration of the present intelligence system has denied our leaders the information we need to adequately warn of and respond to terrorist threat.

Our current intelligence structure dates to the National Security Act of 1947. It is a structure directed to a threat that no longer exists, the Soviet Union. We won the Cold War and it is time to reconfigure our intelligence capabilities to fight the next major threat of our generation, the threat of international terrorism.

The bill before us, H.R. 10, responds substantively to the broad range of recommendations offered by the 9/11 Commission. It creates a strong National Intelligence Director with strengthened budget authorities and new flexibility to redirect funding to urgent needs. All management of tasking, collection, analysis and dissemination of intelligence will be centralized within the office of the NID.

At the same time, the legislation acknowledges the very real requirements of the largest user of national intelligence products, the Department of Defense. H.R. 10 maintains full support for DOD during a time of war—efforts to integrate our national intelligence effort should not come at the expense of the requirements of warfighters. Indeed the 9/11 Report recommended that DOD military intelligence programs should remain part of that Department's responsibility.

We should reject the criticisms we have heard today about the scope of the House bill. The House shouldn't be a rubber stamp for legislation considered by the other body, any more than the other body should be the rubber stamp for the broad recommendations of the 9/11 Commission. Passage of this bill today will allow both chambers to move to conference to reconcile the differences between the two pieces of legislation.

Similarly, I disagree with the notion argued here today that because opponents consider certain provisions to somehow be ''extraneous,'' we should refuse to consider them. The preface to the 9/11 Report succinctly describes the mandate of the Commission: ''How did this happen, and how can we avoid such a tragedy again?'' Such also is our mandate—and we should not consider our work done with a retooling of our intelligence apparatus.

The scope of Public Law 107–306, establishing the 9/11 Commission, was far broader than an examination of the intelligence agencies. It directed an investigation of the ''facts and circumstances relating to the terrorists attacks of September 11, 2001, including those relating to intelligence agencies, law enforcement agencies, diplomacy, immigration issues and border control, the flow of assets to terrorist organizations, commercial aviation, the role of congressional oversight and resource allocation, and other areas determined relevant by the Commission.''

Improvements to our border security, restrictions on terrorist travel and enhanced authorities to deport illegal aliens all respond to the concerns raised in the 9/11 Report and all provide substantive improvements to the security of our nation.

Intelligence reform only matters if we are able to do something with the information our agencies gather. A strong and effective National Intelligence Director is only relevant if we give other agencies of the government the tools they need to act on that improved intelligence.

It would be irresponsible for Congress to take a pass on acting on the clear security deficiencies described in the 9/11 Report and H.R. 10 answers that challenge.

In my decade of service in this institution, I have taken seriously my responsibility to cautiously weigh the consequences of our action on the Constitutional rights of citizens and to carefully evaluate the expansion of federal powers. I reflect on the perspective of that service as I consider H.R. 10.

H.R. 10 takes a significant step forward in recognizing this inherent tension in a democracy by requiring the National Intelligence Director to appoint a Civil Liberties Protection Officer to be responsible for ensuring that privacy and civil liberties are protected. All proposed and final rules would also be subject to an assessment of privacy rights. I believe this legislation achieves the necessary balance between protecting our society and protecting individuals.

There will still be more to do—both bodies have a responsibility to reorganize internally to consolidate congressional oversight. I am concerned that the other body has adopted a process that is a hollow semblance of the recommendations of the 9/11 Commission. Far from consolidating oversight, amendments adopted by the other body will have the effect of pretending at consolidation while continuing business as usual. This should not stand and the House must take the lead in demonstrating the resolve to actually act upon the

call of the Commission to streamline oversight by the legislative branch.

I encourage my colleagues to support this measure so that we may take the next step of moving this legislation to conference with the other body and producing a final product that will comprehensively address the range of recommendations presented by the 9/11 Commission.

Mr. ANDREWS. Mr. Chairman, I rise today in strong support of efforts that have been taken to address the concerns of the private security industry in the 9/11 Recommendations Implementation Act. Under the wise guidance of the Judiciary Committee leadership, provisions have been included in this bill that will have a positive effect on the overall dependability of private security services. While I would contend that these provisions do not go far enough, they are a clear improvement, and I urge my colleagues to support their inclusion in the law.

The relevant provisions, which were included in H.R. 10 with industry-wide support, allow private security guard companies to have access to federal background checks unless prohibited by their home state, and also provide for the creation of a national clearinghouse to be used in processing these requests. Federal background checks will ensure a safer, more secure private security industry, and will allow private security companies to protect themselves against the increased liability that could come with hiring an individual with a relevant criminal history. In addition, the realization of the national clearinghouse is absolutely essential, given the excessive delays that are often incurred within the varied state systems that are currently used in processing these background check requests.

While allowing private security companies to receive criminal background information on prospective employees through a streamlined process is certainly a positive development, I contend that more should be done to secure this vital industry. Background checks should be required for all private security guards, to ensure that dangerous criminals and terrorists are never employed in positions of such power and responsibility.

Again, I thank the Chairman and Ranking Member of the Judiciary Committee for their efforts in addressing this important issue, and I hope to continue working with them in the future to ensure that all of our nation's assets are adequately secured.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 10, the Republican's so-called 9/11 Recommendations Implementation Act.

The 9/11 Commission has worked for months in a thoughtful, thorough and bipartisan manner to recommend concrete ways to reorganize and restructure Federal counterterrorism efforts to ensure we are better able to prevent future attacks. Congress should have immediately adopted those recommendations, but Republicans have blocked that effort today.

Americans should not be fooled by the House Republicans' cynical exercise today. They are circumventing real reform of our Nation's intelligence community. Republicans may say they have listened to the 9/11 Commission. But, make no mistake, the bill before us does not fully implement the Commission's recommendations—it doesn't even come close. Instead, it flies in the face of the Commission's sound and deliberative efforts.

I urge my colleagues to vote "no" on this bill. House Republicans are simply trying to score political points by passing a bill with the same title as the 9/11 Commission hoping no one reads the fine print. If the Republican leadership were serious about reform, they would have gotten their caucus in line and come forth with a bipartisan bill that mirrors the Commission recommendations like the bill the Senate has passed. Republicans chose not to do so.

Let's stand with the families of September 11 and pass real intelligence reform. Let's put the Republican's election politics aside and get on with the business of protecting the American people.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) 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, pursuant to House Resolution 827, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. SENSENBRENNER. Mr. Speaker, I demand a separate vote on amendment No. 14 offered by the gentleman from New Jersey (Mr. SMITH).

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will designate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment:

Strike section 3006 (page 242, line 18 through page 244, line 9) and redesignate provisions and conform the table of contents accordingly.

The SPEAKER pro tempore. The question is on the amendment.

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

RECORDED VOTE

Mr. SMITH of New Jersey. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 210, not voting 19, as follows:

[Roll No. 521]

AYES—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clay
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gerlach
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
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 (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Garrett (NJ)

Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Marshall
Matheson
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
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 (TX)
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—19

Ballenger
Boehlert
Cunningham
Filner
Franks (AZ)
Gephardt
Hinojosa
Jones (NC)
Kaptur
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1500

Mr. GILCHREST changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 521, I was in my Congressional District on official business. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. MALONEY. I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Maloney moves to recommit the bill H.R. 10 to the Permanent Select Committee on Intelligence with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert Attachment 1, as modified by the additional attachments:

**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.

**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

(C) 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 title and titles I and II and the amendments made by those titles.

**TITLE IV—IMPLEMENTATION OF RECOMMENDATIONS OF NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES**

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''9/11 Commission Report Implementation Act of 2004''.

**Subtitle A—The Role of Diplomacy, Foreign Aid, and the Military in the War on Terrorism**

**SEC. 411. FINDINGS.**

Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Long-term success in the war on terrorism demands the use of all elements of national power, including diplomacy, military action, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense.

(2) To win the war on terrorism, the United States must assign to economic and diplomatic capabilities the same strategic priority that is assigned to military capabilities.

(3) The legislative and executive branches of the Government of the United States must commit to robust, long-term investments in all of the tools necessary for the foreign policy of the United States to successfully accomplish the goals of the United States.

(4) The investments referred to in paragraph (3) will require increased funding to United States foreign affairs programs in general, and to priority areas as described in this subtitle in particular.

**SEC. 412. 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 21st 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.

**SEC. 413. 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 moderate, responsible government that serves as a voice of tolerance 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 fostering a stable and secure future in Pakistan, as long as its leaders remain committed to combatting extremists and extremism, ending the proliferation of weapons of mass destruction, securing its borders, and gaining internal control of all its territory while pursuing policies that strengthen civil society, promote moderation and advance socio-economic progress;

(2) Pakistan should make sincere efforts to transition to democracy, enhanced rule of law, and robust civil institutions, and United States policy toward Pakistan should promote such a transition;

(3) the United States assistance to Pakistan should be maintained at the overall levels requested by the President for fiscal year 2005;

(4) the United States should support the Government of Pakistan with a comprehensive effort that extends from military aid to support for better education;

(5) the United States Government should devote particular attention and resources to assisting in the improvement of the quality of education in Pakistan; and

(6) the Government of Pakistan should devote additional resources of such Government to expanding and improving modern public education in Pakistan.

**SEC. 414. 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) SENSE OF CONGRESS.—

(1) ACTIONS FOR AFGHANISTAN.—It is the sense of Congress that the Government of the United States should take, with respect to Afghanistan, the following actions:

(A) 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.

(B) 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.

(C) 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.

(2) REVISION OF AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.—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.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for each of the fiscal years 2005 through 2009 such sums as may be necessary to provide assistance for Afghanistan, unless otherwise authorized by Congress, for the following purposes:

(A) For development assistance under sections 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d).

(B) For children's health programs under the Child Survival and Health Program Fund under section 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b).

(C) For economic assistance under the Economic Support Fund under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.).

(D) For international narcotics and law enforcement under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

(E) For nonproliferation, anti-terrorism, demining, and related programs.

(F) For international military education and training under section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347).

(G) For Foreign Military Financing Program grants under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(H) For peacekeeping operations under section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) 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.

**SEC. 415. 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 Islamist extremism.

(2) Cooperation between the Governments of the United States and Saudi Arabia has traditionally been carried out in private.

(3) 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, especially cooperation to combat terror groups operating inside Saudi Arabia.

(4) The Government of Saudi Arabia is now pursuing al Qaeda within Saudi Arabia and has begun to take some modest steps toward internal reform.

(5) Nonetheless, the Government of Saudi Arabia has been at times unresponsive to United States requests for assistance in the global war on Islamist terrorism.

(6) The Government of Saudi Arabia has not done all it can to prevent nationals of Saudi Arabia from funding and supporting extremist organizations in Saudi Arabia and other countries.

(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;

(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; and

(5) the Government of Saudi Arabia must do all it can to prevent nationals of Saudi Arabia from funding and supporting extremist organizations in Saudi Arabia and other countries.

**SEC. 416. EFFORTS TO COMBAT ISLAMIST 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 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 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.

**SEC. 417. 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 repressive dictatorships have often been 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. 418. 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 and understood 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) AUTHORIZATIONS OF APPROPRIATIONS.—There are authorized to be appropriated to the President for each of the fiscal years 2005 through 2009 such sums as may be necessary 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, unless otherwise authorized by Congress.

**SEC. 419. EXPANSION 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) AUTHORITY TO EXPAND EDUCATIONAL AND CULTURAL EXCHANGES.—The President is authorized to substantially expand the exchange, scholarship, and library programs of the United States, especially such programs that benefit people in the Arab and Muslim worlds.

(d) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated for educational and cultural exchange programs in each of the fiscal years 2005 through 2009, there is authorized to be made available to the Secretary of State such sums as may be necessary to carry out programs under this section, unless otherwise authorized by Congress.

**SEC. 420. 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, efforts 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.—The President shall establish an International Youth Opportunity Fund to provide financial assistance for the improvement of public education in the Middle East.

(2) INTERNATIONAL PARTICIPATION.—The President shall seek the cooperation of the international community in establishing and generously supporting the Fund.

(c) 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, such sums as may be necessary for each of the fiscal years 2005 through 2009, unless otherwise authorized by Congress.

**SEC. 421. 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) one 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.

**SEC. 422. MIDDLE EAST PARTNERSHIP INITIATIVE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of the fiscal years 2005 through 2009 such sums as may be necessary for the Middle East Partnership Initiative, unless otherwise authorized by Congress.

(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. 423. 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. 424. TREATMENT OF FOREIGN PRISONERS.**

(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 are 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) POLICY.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned or otherwise held in the custody of the United States (hereinafter ''prisoners'') humanely and in accordance with standards that the United States would consider legal if perpetrated by the enemy against an American prisoner.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibition against torture, cruel, inhuman or degrading treatment.

(3) If there is any doubt as to whether prisoners are entitled to the protections afforded by the Geneva Conventions, such prisoners shall enjoy the protections of the Geneva Conventions until such time as their status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–6.

(4) It is the policy of the United States 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 prisoners, which is contrary to the legal principles and security interests of the United States.

(c) REPORTING.—The Department of Defense shall submit to the appropriate congressional committees:

(1) A quarterly report providing the number of prisoners who were denied Prisoner of War (POW) status under the Geneva Conventions and the basis for denying POW status to each such prisoner.

(2) A report setting forth—

(A) the proposed schedule for military commissions to be held at Guantanamo Bay, Cuba; and

(B) the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(3) All International Committee of the Red Cross reports, completed prior to the enactment of this Act, concerning the treatment of prisoners in United States custody at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Such ICRC reports should be provided, in classified form, not later than 15 days after enactment of this Act.

(4) A report setting forth all prisoner interrogation techniques approved by officials of the United States.

(d) ANNUAL TRAINING REQUIREMENT.—The Department of Defense shall certify that all Federal employees and civilian contractors engaged in the handling or interrogating of prisoners have fulfilled an annual training requirement on the laws of war, the Geneva Conventions and the obligations of the United States under international humanitarian law.

(e) PROHIBITION ON TORTURE OR CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT.—

(1) IN GENERAL.—No prisoner shall be subject to torture or cruel, inhumane, 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 and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (e)(1) by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) REPORT TO CONGRESS.—The Secretary and the Director 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) REPORTS ON POSSIBLE VIOLATIONS.—

(1) REQUIREMENT.—The Secretary and the Director shall each 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 United States Government personnel or by a person providing services to the United States Government 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.

(i) DEFINITIONS.—In this section:

(1) CRUEL, INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT.—The term ''cruel, inhumane, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution.

(2) DIRECTOR.—The term ''Director'' means the National Intelligence Director.

(3) 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).

(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.

**SEC. 425. 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 and other terror groups have 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 supported the Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs, nonproliferation experts continue to express deep concern about the adequacy of such efforts to secure weapons of mass destruction and related materials that still exist in Russia other countries of the former Soviet Union, and around the world.

(4) The cost of increased investment in the prevention of proliferation of weapons of mass destruction and related materials is greatly outweighed by the potentially catastrophic cost to the United States of the use of such weapons by terrorists.

(5) The Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs are the United States primary method of preventing the proliferation of weapons of mass destruction and related materials from Russia and the states of the former Soviet Union, but require further expansion, improvement, and resources.

(6) Better coordination is needed within the executive branch of government for the budget development, oversight, and implementation of the Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs, and critical elements of such programs are operated by the Departments of Defense, Energy, and State.

(7) The effective implementation of the Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs in the countries of the former Soviet Union is hampered by Russian behavior and conditions on the provision of assistance under such programs that are unrelated to bilateral cooperation on weapons dismantlement.

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

(1) maximum effort to prevent the proliferation of weapons of mass destruction and related materials, wherever such proliferation may occur, is warranted;

(2) the Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs should be expanded, improved, accelerated, and better funded to address the global dimensions of the proliferation threat; and

(3) the Proliferation Security Initiative is an important counterproliferation program that should be expanded to include additional partners.

(c) COOPERATIVE THREAT REDUCTION, GLOBAL THREAT REDUCTION INITIATIVE, AND OTHER NONPROLIFERATION ASSISTANCE PROGRAMS.—In this section, the term ''Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs'' includes—

(1) the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 50 U.S.C. 2362 note);

(2) the activities for which appropriations are authorized by section 3101(a)(2) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1742);

(3) the Department of State program of assistance to science centers;

(4) the Global Threat Reduction Initiative of the Department of Energy; and

(5) a program of any agency of the Federal Government having the purpose of assisting any foreign government in preventing nuclear weapons, plutonium, highly enriched uranium, or other materials capable of sustaining an explosive nuclear chain reaction, or nuclear weapons technology from becoming available to terrorist organizations.

(d) STRATEGY AND PLAN.—

(1) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress—

(A) a comprehensive strategy for expanding and strengthening the Cooperative Threat Reduction, Global Threat Reduction Initiative, and other nonproliferation assistance programs; and

(B) an estimate of the funding necessary to execute such strategy.

(2) PLAN.—The strategy required by paragraph (1) shall include a plan for securing the nuclear weapons and related materials that are the most likely to be acquired or sought by, and susceptible to becoming available to, terrorist organizations, including—

(A) a prioritized list of the most dangerous and vulnerable sites;

(B) measurable milestones for improving United States nonproliferation assistance programs;

(C) a schedule for achieving such milestones; and

(D) initial estimates of the resources necessary to achieve such milestones under such schedule.

**SEC. 426. 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) a critical 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 the identification and tracking of terrorist financing;

(B) ways to improve multinational and international governmental cooperation in this effort;

(C) ways to improve the effectiveness of financial institutions in this effort;

(D) the adequacy of agency coordination, nationally and internationally, including international treaties and compacts, in this effort and ways to improve that coordination; and

(E) recommendations for changes in law and additional resources required to improve this effort.

**SEC. 427. REPORT TO CONGRESS.**

(a) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the activities of the Government of the United States to carry out the provisions of this subtitle.

(b) CONTENT.—The report required under this section shall include the following:

(1) TERRORIST SANCTUARIES.—A description of the strategy of the United States to address and, where possible, eliminate terrorist sanctuaries, including—

(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; and

(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.

(2) SUPPORT FOR PAKISTAN.—A description of the efforts of the United States Government to support Pakistan and encourage moderation in that country, including—

(A) an examination of the desirability of establishing a Pakistan Education Fund to direct resources toward improving the quality of secondary schools in Pakistan, and an examination of the efforts of the Government of Pakistan to fund modern public education;

(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; and

(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.

(3) SUPPORT FOR AFGHANISTAN.—

(A) SPECIFIC OBJECTIVES.—A description of the strategy of the United States to provide aid to Afghanistan during the 5-year period beginning on the date of enactment of this Act, including a description of the resources necessary during the next 5 years to achieve specific objectives in Afghanistan in the following areas:

(i) Fostering economic development.

(ii) Curtailing the cultivation of opium.

(iii) Achieving internal security and stability.

(iv) Eliminating terrorist sanctuaries.

(v) Increasing governmental capabilities.

(vi) Improving essential infrastructure and public services.

(vii) Improving public health services.

(viii) Establishing a broad-based educational system.

(ix) Promoting democracy and the rule of law.

(x) Building national police and military forces.

(B) PROGRESS.—A description of—

(i) the progress made toward achieving the objectives described in clauses (i) through (x) of subparagraph (A); and

(ii) any shortfalls in meeting such objectives and the resources needed to fully achieve such objectives.

(4) COLLABORATION WITH SAUDI ARABIA.—A description of the strategy of the United States for expanding collaboration with the Government of Saudi Arabia on subjects of mutual interest and of importance to the United States, including a description of—

(A) the utility of the President 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 two governments and to identify areas and mechanisms for cooperation;

(B) intelligence and security cooperation between the United States and Saudi Arabia in the fight against Islamist terrorism;

(C) ways to advance Saudi Arabia's contribution to the Middle East peace process;

(D) political and economic reform in Saudi Arabia and throughout the Middle East;

(E) ways to promote greater tolerance and respect for cultural and religious diversity in Saudi Arabia and throughout the Middle East; and

(F) ways to assist the Government of Saudi Arabia in preventing nationals of Saudi Arabia from funding and supporting extremist groups in Saudi Arabia and other countries.

(5) STRUGGLE OF IDEAS IN THE ISLAMIC WORLD.—A description of a cohesive, long-term strategy of the United States to help win the struggle of ideas in the Islamic world, including 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 such 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 such 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 intraregional 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.

(6) OUTREACH THROUGH BROADCAST MEDIA.—A description of a cohesive, long-term strategy of the United States to expand its outreach to foreign Muslim audiences through broadcast media, including the following:

(A) The initiatives of the Broadcasting Board of Governors 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.

(7) VISAS FOR PARTICIPANTS IN UNITED STATES PROGRAMS.—A description of—

(A) any recommendations for 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 described in subsection (c) of section ___09 without compromising the security of the United States; and

(B) a proposed schedule for implementing any recommendations described in subparagraph (A).

(8) BASIC EDUCATION IN MUSLIM COUNTRIES.—A description of a strategy, that was developed after consultation with nongovernmental organizations and individuals involved in education assistance programs in developing countries, to promote free universal basic education in the countries of the Middle East and in other countries with significant Muslim populations designated by the President. The strategy shall include the following elements:

(A) A description of the manner in which the resources of the United States and the international community shall be used to help achieve free universal basic education in such countries, including—

(i) efforts of the United states to coordinate an international effort;

(ii) activities of the United States to leverage contributions from members of the Group of Eight or other donors; and

(iii) assistance provided by the United States to leverage contributions from the private sector and civil society organizations.

(B) A description of the efforts of the United States to coordinate with other donors to reduce duplication and waste at the global and country levels and to ensure efficient coordination among all relevant departments and agencies of the Government of the United States.

(C) A description of the strategy of the United States to assist efforts to overcome challenges to achieving free universal basic education in such countries, including strategies to target hard to reach populations to promote education.

(D) A listing of countries that the President determines are eligible for assistance under the International Youth Opportunity Fund described in section 420 and related programs.

(E) A description of the efforts of the United States to encourage countries in the Middle East and other countries with significant Muslim populations designated by the President to develop and implement a national education plan.

(F) A description of activities carried out as part of the International Youth Opportunity Fund to help close the digital divide and expand vocational and business skills in such countries.

(G) An estimate of the funds needed to achieve free universal basic education by 2015 in each country described in subparagraph (D), and an estimate of the amount that has been expended by the United States and by each such country during the previous fiscal year.

(H) A description of the United States strategy for garnering programmatic and financial support from countries in the Middle East and other countries with significant Muslim populations designated by the President, international organizations, and other countries that share the objectives of the International Youth and Opportunity Fund.

(9) ECONOMIC REFORM.—A description of 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, including a description of—

(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 governments in the Middle East, can take to promote intraregional trade and the rule of law in the region.

**SEC. 428. EFFECTIVE DATE.**

Notwithstanding section 341 or any other provision of this Act, this subtitle shall take effect on the date of the enactment of this Act.

## Subtitle B—Terrorist Travel and Effective Screening

**SEC. 431. 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 Department of Homeland Security to aid in the sharing of information between the frontline border agencies of the Department of Homeland Security, the Department of State, 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 and immigration adjudicators, as appropriate, the security clearances necessary to access law enforcement sensitive and intelligence 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 or other documentation described in section ___04(b) 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 initial and ongoing annual training programs for consular, border, and immigration officials who encounter or work with travel or immigration documents as part of their duties to teach such officials how to effectively detect and disrupt terrorist travel.

(B) TERRORIST TRAVEL INTELLIGENCE.—The Secretary may assist State, local, and tribal governments, and private industry, in establishing training programs related to terrorist travel intelligence.

(C) 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.

(D) 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 who encounter or work with travel or immigration documents as part of their duties have received training under this paragraph; and

(ii) the Secretary of State shall certify to Congress that all consular officers who encounter or work with travel or immigration documents as part of their duties 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. 432. 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, feasible, and if practicable, compatible with the biometric entry and exit data system described in section 433.

(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, private parties, 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) MAINTAINING ACCURACY AND INTEGRITY OF THE INTEGRATED SCREENING SYSTEM.—

(1) IN GENERAL.—The Secretary shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, the integrated screening system that ensure the accuracy and integrity of the data.

(2) DATA MAINTENANCE PROCEDURES.—Each head of a Federal agency that has databases and data systems linked to the integrated screening system shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, such databases or data systems that ensure the accuracy and integrity of the data.

(3) REQUIREMENTS.—The rules, guidelines, policies, and procedures established under this subsection shall—

(A) incorporate a simple and timely method for—

(i) correcting errors;

(ii) determining which government agency or entity provided data so that the accuracy of the data can be ascertained; and

(iii) clarifying information known to cause false hits or misidentification errors; and

(B) include procedures for individuals to—

(i) seek corrections of data contained in the databases or data systems; and

(ii) appeal decisions concerning data contained in the databases or data systems.

(h) IMPLEMENTATION.—

(1) PHASE I.—The Secretary shall—

(A) develop plans for, and begin implementation of, a single program for registered travelers to expedite travel across the border, as required under section 433(g);

(B) continue the implementation of a biometric exit and entry data system that links to relevant databases and data systems, as required by subsections (c) through (f) of section 433 and other existing authorities;

(C) centralize the ''no-fly'' and ''automatic-selectee'' lists, making use of improved terrorists watch lists, as required by section 433;

(D) develop plans, in consultation with other relevant agencies, for the sharing of terrorist information with trusted governments, as required by section 435;

(E) initiate any other action determined appropriate by the Secretary to facilitate the implementation of this paragraph; and

(F) 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 433(g);

(B) complete the implementation of a biometric entry and exit data system that links to relevant databases and data systems, as required by subsections (c) through (f) of section 433, 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.

(i) 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.

(j) 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. 433. 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) DEFINITION.—In this section, the term ''entry and exit data system'' means the entry and exit system required by applicable sections of—

(1) the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208);

(2) the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–205);

(3) the Visa Waiver Permanent Program Act (Public Law 106–396);

(4) the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173); and

(5) 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).

(c) 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.

(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 and other Department of Homeland Security and Department of State locations 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 and other Department of Homeland Security and Department of State locations with biometric exit data systems in use;

(iii) a listing of databases and data systems with which the 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 data 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 biometric entry and exit data system;

(D) a description of plans for improved or added interoperability with any other databases or data systems; and

(E) a description of the manner in which the Department of Homeland Security's US-VISIT program—

(i) meets the goals of a comprehensive entry and exit screening system, including both entry and exit biometric; and

(ii) fulfills the statutory obligations under subsection (b).

(d) COLLECTION OF BIOMETRIC EXIT DATA.—The entry and exit data system shall include a requirement for the collection of biometric exit data for all categories of individuals who are required to provide biometric entry data, regardless of the port of entry where such categories of individuals entered the United States.

(e) INTEGRATION AND INTEROPERABILITY.—

(1) INTEGRATION OF DATA SYSTEM.—Not later than 2 years after the date of enactment of this Act, the Secretary shall fully integrate all databases and data systems that process or contain information on aliens, which are maintained by—

(A) the Department of Homeland Security, at—

(i) the United States Immigration and Customs Enforcement;

(ii) the United States Customs and Border Protection; and

(iii) the United States Citizenship and Immigration Services;

(B) the Department of Justice, at the Executive Office for Immigration Review; and

(C) the Department of State, at the Bureau of Consular Affairs.

(2) INTEROPERABLE COMPONENT.—The fully integrated data system under paragraph (1) shall be an interoperable component of the entry and exit data system.

(3) INTEROPERABLE DATA SYSTEM.—Not later than 2 years after the date of enactment of this Act, the Secretary shall fully implement an interoperable electronic data system, as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act (8 U.S.C. 1722) to provide current and immediate access to information in the databases of Federal law enforcement agencies and the intelligence community that is relevant to determine—

(A) whether to issue a visa; or

(B) the admissibility or deportability of an alien.

(f) MAINTAINING ACCURACY AND INTEGRITY OF ENTRY AND EXIT DATA SYSTEM.—

(1) IN GENERAL.—The Secretary 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 that ensure the accuracy and integrity of the data.

(2) DATA MAINTENANCE PROCEDURES.—Heads of agencies that have databases or data systems linked to the entry and exit data system shall establish rules, guidelines, policies, and operating and auditing procedures for collecting, removing, and updating data maintained in, and adding information to, such databases or data systems that ensure the accuracy and integrity of the data.

(3) REQUIREMENTS.—The rules, guidelines, policies, and procedures established under this subsection shall—

(A) incorporate a simple and timely method for—

(i) correcting errors;

(ii) determining which government agency or entity provided data so that the accuracy of the data can be ascertained; and

(iii) clarifying information known to cause false hits or misidentification errors; and

(B) include procedures for individuals to—

(i) seek corrections of data contained in the databases or data systems; and

(ii) appeal decisions concerning data contained in the databases or data systems.

(g) 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 borders of the United States can permit inspectors to better focus on identifying terrorists attempting to enter the United States.

(2) DEFINITION.—In this subsection, 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 PROGRAM.—

(A) IN GENERAL.—As soon as is practicable, the Secretary shall develop and implement a registered traveler program to expedite the processing of registered travelers who enter and exit the United States.

(B) PARTICIPATION.—The registered traveler program shall include as many participants as practicable by—

(i) minimizing the cost of enrollment;

(ii) making program enrollment convenient and easily accessible; and

(iii) providing applicants with clear and consistent eligibility guidelines.

(C) INTEGRATION.—The registered traveler program shall be integrated into the automated biometric entry and exit data system described in this section.

(D) REVIEW AND EVALUATION.—In developing the registered traveler program, 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;

(iii) increase research and development efforts to accelerate the development and implementation of a single registered traveler program; and

(iv) review the feasibility of allowing participants to enroll in the registered traveler program at consular offices.

(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 registered traveler program.

(h) 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. 434. 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 State, in consultation with the Secretary of Homeland Security, shall develop and implement a plan as expeditiously as possible to require biometric passports or other identification deemed by the Secretary of State 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) neither the Secretary of State nor the Secretary of Homeland Security may 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 not exercise discretion under section 215(b) of such Act (8 U.S.C. 1185(b)) to waive documentary requirements for United States citizens departing from or entering, or attempting to depart from or enter, the United States except—

(A) where the Secretary of State, in consultation with the Secretary of Homeland Security, 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;

(B) in the case of an unforeseen emergency in individual cases; or

(C) in the case of humanitarian or national interest reasons in individual cases.

(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. 435. EXCHANGE OF TERRORIST INFORMATION AND INCREASED PREINSPECTION AT FOREIGN AIRPORTS.**

(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.

(d) PREINSPECTION AT FOREIGN AIRPORTS.—

(1) IN GENERAL.—Section 235A(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(4)) is amended to read as follows:

''(4) Subject to paragraph (5), not later than January 1, 2008, the Secretary of Homeland Security, in consultation with the Secretary of State, shall establish preinspection stations in at least 25 additional foreign airports, which the Secretary of Homeland Security, in consultation with the Secretary of State, determines, based on the data compiled under paragraph (3) and such other information as may be available, would most effectively facilitate the travel of admissible aliens and reduce the number of inadmissible aliens, especially aliens who are potential terrorists, who arrive from abroad by air at points of entry within the United States. Such preinspection stations shall be in addition to those established prior to September 30, 1996, or pursuant to paragraph (1).''.

(2) REPORT.—Not later than June 30, 2006, the Secretary of Homeland Security and the Secretary of State shall submit a report on the progress being made in implementing the amendment made by paragraph (1) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Foreign Relations of the Senate; and

(D) the Committee on International Relations of the House of Representatives.

**SEC. 436. 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 (3), no Federal agency may accept a birth certificate for any official purpose unless the certificate conforms to such standards.

(2) STATE CERTIFICATION.—

(A) IN GENERAL.—Each State shall certify to the Secretary of Health and Human Services that the State is in compliance with the requirements of this section.

(B) FREQUENCY.—Certifications under subparagraph (A) shall be made at such intervals and in such a manner as the Secretary of Health and Human Services, with the concurrence of the Secretary of Homeland Security and the Commissioner of Social Security, may prescribe by regulation.

(C) COMPLIANCE.—Each State shall ensure that units of local government and other authorized custodians of records in the State comply with this section.

(D) AUDITS.—The Secretary of Health and Human Services may conduct periodic audits of each State's compliance with the requirements of this section.

(3) MINIMUM STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services 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 or an alternative, equally secure medium, 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) shall establish standards for the processing of birth certificate applications to prevent fraud;

(D) may not require a single design to which birth certificates issued by all States must conform; and

(E) 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.

(4) CONSULTATION WITH GOVERNMENT AGENCIES.—In promulgating the standards required under paragraph (3), the Secretary of Health and Human Services shall consult with—

(A) the Secretary of Homeland Security;

(B) the Commissioner of Social Security;

(C) State vital statistics offices; and

(D) other appropriate Federal agencies.

(5) EXTENSION OF EFFECTIVE DATE.—The Secretary of Health and Human Services may extend the date specified under paragraph (1) for up to 2 years for birth certificates issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under paragraph (1) but was unable 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)(3), the Secretary of Health and Human Services shall award 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 award 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.

(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

(2) ASSISTANCE IN MATCHING BIRTH AND DEATH RECORDS.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Commissioner of Social Security and other appropriate Federal agencies, shall award grants to States, under criteria established by the Secretary, to assist States 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 award grants to qualifying 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.

(C) MINIMUM ALLOCATION.—Notwithstanding subparagraph (B), each State shall receive not less than 0.5 percent of the grant funds made available under this paragraph.

(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.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is repealed.

**SEC. 437. 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 newly 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 of Transportation, in consultation with the Secretary of Homeland Security, 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.

(C) STATE CERTIFICATION.—

(i) IN GENERAL.—Each State shall certify to the Secretary of Transportation that the State is in compliance with the requirements of this section.

(ii) FREQUENCY.—Certifications under clause (i) shall be made at such intervals and

in such a manner as the Secretary of Transportation, with the concurrence of the Secretary of Homeland Security, may prescribe by regulation.

(iii) AUDITS.—The Secretary of Transportation may conduct periodic audits of each State's compliance with the requirements of this section.

(2) MINIMUM STANDARDS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Secretary of Homeland Security, 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 personal identification card;

(B) standards for the verifiability of documents used to obtain a driver's license or personal identification card;

(C) standards for the processing of applications for driver's licenses and personal identification cards to prevent fraud;

(D) security standards to ensure that driver's licenses and personal identification cards are—

(i) resistant to tampering, alteration, or counterfeiting; and

(ii) capable of accommodating and ensuring the security of a digital photograph or other unique identifier; and

(E) a requirement that a State confiscate a driver's license or personal 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, an appropriate official of a Federal agency and other relevant officials, to verify the authenticity of documents, as appropriate, issued by such Federal agency or entity and presented to prove the identity of an individual;

(B) may not infringe on a State's power to set criteria concerning what categories of individuals are eligible to obtain a driver's license or personal identification card from that State;

(C) may not require a State to comply with any such regulation that conflicts with or otherwise interferes with the full enforcement of State criteria concerning the categories of individuals that are eligible to obtain a driver's license or personal identification card from that State;

(D) may not require a single design to which driver's licenses or personal identification cards issued by all States must conform; and

(E) shall include procedures and requirements to protect the privacy and civil and due process rights of individuals who apply for and hold driver's licenses and personal identification cards.

(4) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—Before publishing the proposed regulations required by paragraph (2) to carry out this subtitle, the Secretary of Transportation shall establish a negotiated rulemaking process pursuant to subchapter IV of chapter 5 of title 5, United States Code (5 U.S.C. 581 et seq.).

(B) REPRESENTATION ON NEGOTIATED RULEMAKING COMMITTEE.—Any negotiated rulemaking committee established by the Secretary of Transportation pursuant to subparagraph (A) shall include representatives from—

(i) among State offices that issue driver's licenses or personal identification cards;

(ii) among State elected officials;

(iii) the Department of Homeland Security; and

(iv) among interested parties, including organizations with technological and operational expertise in document security and organizations that represent the interests of applicants for such licenses or identification cards.

(C) TIME REQUIREMENT.—The process described in subparagraph (A) shall be conducted in a timely manner to ensure that—

(i) any recommendation for a proposed rule or report is provided to the Secretary of Transportation not later than 9 months after the date of enactment of this Act; and

(ii) a final rule is promulgated not later than 18 months after the date of enactment of this Act.

(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 of Transportation shall award 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 of Transportation shall award 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.

(3) MINIMUM ALLOCATION.—Notwithstanding paragraph (2), each State shall receive not less than 0.5 percent of the grant funds made available under this subsection.

(d) EXTENSION OF EFFECTIVE DATE.—The Secretary of Transportation may extend the date specified under subsection (b)(1)(A) for up to 2 years for driver's licenses issued by a State if the Secretary determines that the State made reasonable efforts to comply with the date under such subsection but was unable to do so.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for each of the fiscal years 2005 through 2009, such sums as may be necessary to carry out this section.

**SEC. 438. SOCIAL SECURITY CARDS.**

(a) SECURITY ENHANCEMENTS.—The Commissioner of Social Security shall—

(1) not later than 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 Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall form an interagency task force for the purpose of further improving the security of social security cards and numbers. Not later than 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.

**SEC. 439. EFFECTIVE DATE.**

Notwithstanding any other provision of this Act, this subtitle shall take effect on the date of enactment of this Act.

**Subtitle C—Transportation Security**

**SEC. 441. DEFINITIONS.**

In this subtitle, 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. 442. 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 required by 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. 443. 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 180 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. 444. 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.

(e) BLAST-RESISTANT CARGO AND BAGGAGE CONTAINERS.—

(1) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Transportation—

(A) shall assess the feasibility of requiring the use of blast-resistant containers for cargo and baggage on passenger aircraft to minimize the potential effects of detonation of an explosive device; and

(B) may require their use on some or all flights on aircraft for which such containers are available.

(2) PILOT PROGRAM.—Before requiring the use of such containers on any such flights, the Secretary of Homeland Security shall conduct a pilot program to evaluate the use of currently available blast-resistant containers for cargo and baggage on passenger aircraft. In conducting the pilot program the Secretary—

(A) shall test the feasibility of using the containers by deploying them on participating air carrier flights; but

(B) may not disclose to the public the number of blast-resistant containers being used in the program or publicly identify the flights on which the containers are used.

(3) ASSISTANCE FOR PARTICIPATION IN PILOT PROGRAM.—

(A) IN GENERAL.—As part of the pilot program, the Secretary may provide assistance to air carriers to volunteer to test the use of blast-resistant containers for cargo and baggage on passenger aircraft.

(B) APPLICATIONS.—To volunteer to participate in the incentive program, an air carrier shall submit to the Secretary an application that is in such form and contains such information as the Secretary requires.

(C) TYPES OF ASSISTANCE.—Assistance provided by the Secretary to air carriers that volunteer to participate in the pilot program may 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.

(4) TECHNOLOGICAL IMPROVEMENTS.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation, shall—

(A) support efforts to further the development and improvement of blast-resistant containers for potential use on aircraft, including designs that—

(i) will work on a variety of aircraft, including narrow body aircraft; and

(ii) minimize the weight of such containers without compromising their effectiveness; and

(B) explore alternative technologies for minimizing the potential effects of detonation of an explosive device on cargo and passenger aircraft.

(5) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report to the Congress

on the results of the pilot program and on progress made in developing improved containers and equivalent technologies. The report may be submitted in classified and redacted formats.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as are necessary to carry out this section. Such sums shall remain available until expended.

(f) 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 subtitle, 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 subtitle, which may be based on the formula proposed under paragraph (1).

**SEC. 445. EFFECTIVE DATE.**

Notwithstanding section 341, this subtitle takes effect on the date of the enactment of this Act.

**Subtitle D—National Preparedness**

**SEC. 451. 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. 452. 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. 453. 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. 454. 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 453, 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 453, 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. 455. 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. 456. 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 Department of Defense has primary responsibility for the military defense of the United States.

(2) Prior to September 11, 2001, the North American Aerospace Defense Command (NORAD), which had responsibility for defending United States airspace, focused on threats coming from outside the borders of the United States.

(3) The United States Northern Command has been established to assume responsibility for the military defense of the United

States, as well as to provide military support to civil authorities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should regularly assess the adequacy of the plans and strategies of the United States Northern Command with a view to ensuring that the United States Northern Command is prepared to respond effectively to all threats within the United States, should it be called upon to do so by the President.

(c) ANNUAL REPORT.—

(1) REQUIREMENT FOR REPORT.—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 an annual report describing the plans and strategies of the United States Northern Command to defend the United States against all threats within the United States, in the case that it is called upon to do so by the President.

(2) SUBMISSION OF REPORT.—The annual report required by paragraph (1) shall be submitted in conjunction with the submission of the President's budget request to Congress.

**SEC. 457. EFFECTIVE DATE.**

Notwithstanding section 341 or any other provision of this Act, this subtitle takes effect on the date of the enactment of this Act.

**Subtitle E—Privacy and Passenger Identification Verification**

**SEC. 461. PRIVACY AND PASSENGER IDENTIFICATION VERIFICATION TECHNOLOGIES.**

(a) IN GENERAL.—The Secretary of Homeland Security shall consult with the Privacy and Civil Liberties Oversight Board in the development of any program to use passenger identification verification technologies.

(b) DELAY OF PROGRAM FOR REPORT.—

(1) IN GENERAL.—Notwithstanding any other provision of law, no Federal program for passenger verification identification technologies shall begin until after the Secretary of Homeland Security has submitted a report to Congress and to the Privacy and Civil Liberties Oversight Board about the program.

(2) REPORT CONTENTS.—The report shall address the privacy and civil liberty implications of the program, including the accuracy and reliability of the technologies used, and whether the program incorporates the necessary architectural, operational, technological, and procedural safeguards to protect privacy and civil liberties.

**Subtitle F—Homeland Security Grants**

**SEC. 461. SHORT TITLE.**

This subtitle may be cited as the ''Homeland Security Grant Enhancement Act of 2004''.

**SEC. 462. DEFINITIONS.**

In this subtitle, the following definitions shall apply:

(1) INSULAR AREA.—The term ''insular area'' means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(2) LARGE HIGH-THREAT STATE FUND.—The term ''Large High-Threat State Fund'' means the fund containing amounts authorized to be appropriated for States that elect to receive Federal financial assistance through a per capita share of 38.625 percent of the amount appropriated for the State Homeland Security Grant Program.

(3) LOCAL GOVERNMENT.—The term ''local government'' has the same meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(4) STATE.—The term ''State'' means each of the several States of the United States and the District of Columbia.

(5) STATE HOMELAND SECURITY GRANT PROGRAM.—The term ''State Homeland Security Grant Program'' means the program receiving 75 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program.

(6) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.—The term ''Threat-Based Homeland Security Grant Program'' means the program authorized under section 6.

(7) URBAN AREA SECURITY INITIATIVE GRANT PROGRAM.—The term ''Urban Area Security Initiative Grant Program'' means the program receiving 25 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program.

**SEC. 463. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR TRADITIONAL FIRST RESPONDER MISSIONS.**

(a) IN GENERAL.—This subtitle shall not be construed to affect any authority to award grants under any Federal grant program listed under subsection (b), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.

(b) PROGRAMS INCLUDED.—The programs referred to in subsection (a) are the following:

(1) The Firefighter Assistance Program authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(2) The Emergency Management Performance Grant Program and the Urban Search and Rescue Grant program authorized under—

(A) title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.);

(B) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1047 et seq.); and

(C) the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

(4) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(5) The Public Safety and Community Policing (COPS ON THE BEAT) Grant Program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(6) Grant programs under the Public Health Service Act regarding preparedness for bioterrorism and other public health emergencies and the Emergency Response Assistance Program authorized under section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312).

**SEC. 464. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.**

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

**''SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and other agencies providing assistance for first responder preparedness, as identified by the President, shall establish the Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs (referred to in this subtitle as the 'Interagency Committee').

''(2) COMPOSITION.—The Interagency Committee shall be composed of—

''(A) a representative of the Department;

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

''(C) a representative of the Department of Transportation;

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

''(E) a representative of the Environmental Protection Agency; and

''(F) a representative of any other department or agency determined to be necessary by the President.

''(3) RESPONSIBILITIES.—The Interagency Committee shall—

''(A) report on findings to the Information Clearinghouse established under section 801(d);

''(B) consult with State and local governments and emergency response providers regarding their homeland security needs and capabilities;

''(C) advise the Secretary on the development of performance measures for homeland security grant programs and the national strategy for homeland security;

''(D) compile a list of homeland security assistance programs;

''(E) not later than 1 year after the effective date of the Homeland Security Grant Enhancement Act of 2004—

''(i) develop a proposal to coordinate, to the maximum extent practicable, the planning, reporting, application, and other guidance documents contained in homeland security assistance programs to eliminate all redundant and duplicative requirements; and

''(ii) submit the proposal developed under clause (i) to Congress and the President.

''(b) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee, which shall include—

''(1) scheduling meetings;

''(2) preparing agenda;

''(3) maintaining minutes and records; and

''(4) producing reports.

''(c) CHAIRPERSON.—The Secretary shall designate a chairperson of the Interagency Committee.

''(d) MEETINGS.—The Interagency Committee shall meet—

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

''(2) not less frequently than once every 1 month.''.

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

''Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs.''.

**SEC. 465. STREAMLINING FEDERAL HOMELAND SECURITY GRANTS.**

(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS.—Section 801(a) of the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is amended to read as follows:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office of the Secretary the Office for State and Local Government Coordination and Preparedness, which shall oversee and coordinate departmental programs for, and relationships with, State and local governments.

''(2) EXECUTIVE DIRECTOR.—The Office established under paragraph (1) shall be headed by the Executive Director of State and Local Government Coordination and Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate.''.

(b) OFFICE FOR DOMESTIC PREPAREDNESS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating section 430 as section 803 and transferring that section to the end of subtitle A of title VIII, as amended by section 4; and

(2) in section 803, as redesignated by paragraph (1)—

(A) in subsection (a), by striking ''the Directorate of Border and Transportation Security'' and inserting ''the Office for State and Local Government Coordination and Preparedness'';

(B) in subsection (b), by striking ''who shall be appointed by the President'' and all that follows and inserting ''who shall report directly to the Executive Director of State and Local Government Coordination and Preparedness.'';

(C) in subsection (c)—

(i) in paragraph (7)—

(I) by striking ''other'' and inserting ''the'';

(II) by striking ''consistent with the mission and functions of the Directorate''; and

(III) by striking ''and'' at the end; and

(ii) in paragraph (8)—

(I) by inserting ''carrying out'' before ''those elements'';

(II) by striking the period at the end and inserting ''; and'' ; and

(iii) by adding at the end the following:

''(9) managing the Homeland Security Information Clearinghouse established under section 801(d).'';

(D) by redesignating subsection (d) as subsection (e); and

(E) by inserting after subsection (c) the following:

''(d) TRAINING AND EXERCISES OFFICE WITHIN THE OFFICE FOR DOMESTIC PREPAREDNESS.—

''(1) IN GENERAL.—The Secretary shall create within the Office for Domestic Preparedness an internal office that shall be the proponent for all national domestic preparedness, training, education, and exercises within the Office for State and Local Government Coordination.

''(2) OFFICE HEAD.—The Secretary shall select an individual with recognized expertise in first-responder training and exercises to head the office, and such person shall report directly to the Director of the Office of Domestic Preparedness.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item relating to section 430;

(2) by amending section 801 to read as follows:

''Sec. 801. Office of State and Local Government Coordination and Preparedness.''; and

(3) by inserting after the item relating to section 802, as added by this Act, the following:

''Sec. 803. Office for Domestic Preparedness.''.

(d) ESTABLISHMENT OF HOMELAND SECURITY INFORMATION CLEARINGHOUSE.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), as amended by subsection (a), is further amended by adding at the end the following:

''(d) HOMELAND SECURITY INFORMATION CLEARINGHOUSE.—

''(1) ESTABLISHMENT.—There is established within the Office for State and Local Government Coordination a Homeland Security Information Clearinghouse (referred to in this section as the 'Clearinghouse'), which shall assist States, local governments, and first responders in accordance with paragraphs (2) through (5).

''(2) HOMELAND SECURITY GRANT INFORMATION.—The Clearinghouse shall create a new website or enhance an existing website, establish a toll-free number, and produce a single publication that each contain information regarding the homeland security grant programs identified under section 802(a)(4).

''(3) TECHNICAL ASSISTANCE.—The Clearinghouse, in consultation with the Interagency Committee established under section 802, shall provide information regarding—

''(A) technical assistance provided by any Federal agency to States and local governments to conduct threat analyses and vulnerability assessments; and

''(B) templates for conducting threat analyses and vulnerability assessments.

''(4) BEST PRACTICES.—The Clearinghouse shall work with States, local governments, emergency response providers and the National Domestic Preparedness Consortium, and private organizations to gather, validate, and disseminate information regarding successful State and local homeland security programs and practices.

''(5) USE OF FEDERAL FUNDS.—The Clearinghouse shall compile information regarding equipment, training, and other services purchased with Federal funds provided under the homeland security grant programs identified under section 802(a)(4), and make such information, and information regarding voluntary standards of training, equipment, and exercises, available to States, local governments, and first responders.

''(6) OTHER INFORMATION.—The Clearinghouse shall provide States, local governments, and first responders with any other information that the Secretary determines necessary.''.

**SEC. 466. THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.**

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security (referred to in this section as the ''Secretary'') may award grants to States and local governments to enhance homeland security.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Grants awarded under subsection (a)—

(A) shall be used to address homeland security matters related to acts of terrorism or major disasters and related capacity building; and

(B) shall not be used to supplant ongoing first responder expenses or general protective measures.

(2) ALLOWABLE USES.—Grants awarded under subsection (a) may be used to—

(A) develop State plans or risk assessments (including the development of the homeland security plan) to respond to terrorist attacks and strengthen all hazards emergency planning and communitywide plans for responding to terrorist or all hazards emergency events that are coordinated with the capacities of applicable Federal, State, and local governments, first responders, and State and local government health agencies;

(B) develop State, regional, or local mutual aid agreements;

(C) purchase or upgrade equipment based on State and local needs as identified under a State homeland security plan;

(D) conduct exercises to strengthen emergency preparedness of State and local first responders including law enforcement, firefighting personnel, and emergency medical service workers, and other emergency responders identified in a State homeland security plan;

(E) pay for overtime expenses relating to—

(i) training activities consistent with the goals outlined in a State homeland security plan;

(ii) as determined by the Secretary, activities relating to an increase in the threat level under the Homeland Security Advisory System; and

(iii) any other activity relating to the State Homeland Security Strategy, and approved by the Secretary;

(F) promote training regarding homeland security preparedness including—

(i) emergency preparedness responses to a use or threatened use of a weapon of mass destruction; and

(ii) training in the use of equipment, including detection, monitoring, and decontamination equipment, and personal protective gear; and

(G) conduct any activity permitted under the Law Enforcement Terrorism Prevention Grant Program.

(3) PROHIBITED USES.—

(A) CONSTRUCTION.—Grants awarded under subsection (a) may not be used to construct buildings or other physical facilities, except those described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) and approved by the Secretary in the homeland security plan certified under subsection (d), or to acquire land.

(B) COST SHARING.—Grant funds provided under this section shall not be used for any State or local government cost sharing contribution request under this section.

(c) APPLICATION.—

(1) SUBMISSION.—A State may apply for a grant under this section by submitting to the Secretary an application at such time, and in such manner, and containing such information the Secretary may reasonably require.

(2) REVISIONS.—A State may revise a homeland security plan certified under subsection (d) at the time an application is submitted under paragraph (1) after receiving approval from the Secretary.

(3) APPROVAL.—The Secretary shall not award a grant under this section unless the application submitted by the State includes a homeland security plan meeting the requirements of subsection (d).

(4) RELEASE OF FUNDS.—The Secretary shall release grant funds to States with approved plans after the approval of an application submitted under this subsection.

(d) HOMELAND SECURITY PLAN.—

(1) IN GENERAL.—An application submitted under subsection (c) shall include a certification that the State has prepared a 3-year State homeland security plan (referred to in this subsection as the ''plan'') to respond to terrorist attacks and strengthen all hazards emergency planning that has been approved by the Secretary.

(2) CONTENTS.—The plan shall contain measurable goals and objectives that—

(A) establish a 3-year strategy to set priorities for the allocation of funding to political subdivisions based on the risk, capabilities, and needs described under paragraph (3)(C);

(B) provide for interoperable communications;

(C) provide for local coordination of response and recovery efforts, including procedures for effective incident command in conformance with the National Incident Management System;

(D) ensure that first responders and other emergency personnel have adequate training and appropriate equipment for the threats that may occur;

(E) provide for improved coordination and collaboration among police, fire, and public health authorities at State and local levels;

(F) coordinate emergency response and public health plans;

(G) mitigate risks to critical infrastructure that may be vulnerable to terrorist attacks;

(H) promote regional coordination among contiguous local governments;

(I) identify necessary protective measures by private owners of critical infrastructure;

(J) promote orderly evacuation procedures when necessary;

(K) ensure support from the public health community for measures needed to prevent, detect and treat bioterrorism, and radiological and chemical incidents;

(L) increase the number of local jurisdictions participating in local and statewide exercises;

(M) meet preparedness goals as determined by the Secretary; and

(N) include a report from the relevant advisory committee established under paragraph (3)(D) that documents the areas of support, disagreement, or recommended changes to the plan before its submission to the Secretary.

(3) DEVELOPMENT PROCESS.—

(A) IN GENERAL.—In preparing the plan under this section, a State shall—

(i) provide for the consideration of all homeland security needs;

(ii) follow a process that is continuing, inclusive, cooperative, and comprehensive, as appropriate; and

(iii) coordinate the development of the plan with the homeland security planning activities of local governments.

(B) COORDINATION WITH LOCAL PLANNING ACTIVITIES.—The coordination under subparagraph (A)(iii) shall contain input from local stakeholders, including—

(i) local officials, including representatives of rural, high-population, and high-threat jurisdictions;

(ii) first responders and emergency response providers; and

(iii) private sector companies, such as railroads and chemical manufacturers.

(C) SCOPE OF PLANNING.—Each State preparing a plan under this section shall, in conjunction with the local stakeholders under subparagraph (B), address all the information requested by the Secretary, and complete a comprehensive assessment of—

(i) risk, including a—

(I) vulnerability assessment;

(II) threat assessment; and

(III) public health assessment, in coordination with the State bioterrorism plan; and

(ii) capabilities and needs, including—

(I) an evaluation of current preparedness, mitigation, and response capabilities based on such assessment mechanisms as shall be determined by the Secretary;

(II) an evaluation of capabilities needed to address the risks described under clause (i); and

(III) an assessment of the shortfall between the capabilities described under subclause (I) and the required capabilities described under subclause (II).

(D) ADVISORY COMMITTEE.—

(i) IN GENERAL.—Each State preparing a plan under this section shall establish an advisory committee to receive comments from the public and the local stakeholders identified under subparagraph (B).

(ii) COMPOSITION.—The Advisory Committee shall include local officials, local first responders, and emergency response providers that are representative of the counties, cities, and towns within the State, and which shall include representatives of rural, high-population, and high-threat jurisdictions.

(4) PLAN APPROVAL.—The Secretary shall approve a plan upon finding that the plan meets the requirements of—

(A) paragraphs (2) and (3);

(B) the interim performance measurements under subsection (g)(1), or the national performance standards under subsection (g)(2); and

(C) any other criteria the Secretary determines necessary to the approval of a State plan.

(5) REVIEW OF ADVISORY COMMITTEE REPORT.—The Secretary shall review the recommendations of the advisory committee report incorporated into a plan under subsection (d)(2)(N), including any dissenting views submitted by advisory committee members, to ensure cooperation and coordination between local and State jurisdictions in planning the use of grant funds under this section.

(e) TENTATIVE ALLOCATION.—

(1) URBAN AREA SECURITY INITIATIVE GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary shall allocate 25 percent of the funds appropriated under the Threat-Based Homeland Security Grant Program for discretionary grants to be provided directly to local governments, including multistate entities established by a compact between 2 or more States, in high threat areas, as determined by the Secretary based on the criteria under subparagraph (B).

(B) CRITERIA.—The Secretary shall ensure that each local government receiving a grant under this paragraph—

(i) has a large population or high population density;

(ii) has a high degree of threat, risk, and vulnerability related to critical infrastructure or not less than 1 key asset identified by the Secretary or State homeland security plan;

(iii) has an international border with Canada or Mexico, or coastline bordering international waters of Canada, Mexico, or bordering the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico; or

(iv) are subject to other threat factors specified in writing by the Secretary.

(C) CONSISTENCY.—Any grant awarded under this paragraph shall be used to supplement and support, in a consistent and coordinated manner, those activities and objectives described under subsection (b) or a State homeland security plan.

(D) COORDINATION.—The Secretary shall ensure that any grants made under this paragraph encourage multiple contiguous units of local government and mutual aid partners to coordinate any homeland security activities.

(2) STATE HOMELAND SECURITY GRANT PROGRAM.—

(A) STATES.—Each State whose application is approved under subsection (c) shall receive, for each fiscal year, the greater of—

(i) 0.75 percent of the amounts appropriated for the State Homeland Security Grant Program; or

(ii) the State's per capita share, as defined by the 2002 census population estimate, of 38.625 percent of the State Homeland Security Grant Program.

(B) INSULAR AREAS.—Each insular area shall receive, for each fiscal year, the greater of—

(i) 0.075 percent of the amounts appropriated for the State Homeland Security Grant Program; or

(ii) the insular area's per capita share, as defined by the 2002 census population estimate, of 38.625 percent of the State Homeland Security Grant Program.

(3) SECONDARY DISTRIBUTION.—After the distribution of funds under paragraph (2), the Secretary shall, from the remaining funds for the State Homeland Security Grant Program and 10.8 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program pursuant to subsection (j)(1), distribute amounts to each State that—

(A) has a substantial percentage of its population residing in Metropolitan Statistical Areas, as defined by the Office of Management and Budget;

(B) has a high degree of threat, risk, and vulnerability related to critical infrastructure or not less than 1 key asset identified by the Secretary or State homeland security plan;

(C) has an international border with Canada or Mexico, or coastline bordering international waters of Canada, Mexico, or bordering the Atlantic Ocean, the Pacific Ocean, or the Gulf of Mexico; or

(D) are subject to other threat factors specified in writing by the Secretary.

(4) DISTRIBUTION OF FUNDS.—If the amounts tentatively allocated under paragraphs (1) through (3) equal the sum of the amounts appropriated pursuant to subsection (j), the Secretary shall distribute the appropriated amounts based on the tentative allocation.

(5) PROPORTIONAL REDUCTION.—If the amount appropriated for the Large High-Threat State Fund pursuant to subsection (j)(2) is less than 10.8 percent of the amount appropriated for the Threat-Based Homeland Security Grant Program pursuant to subsection (j)(1), the Secretary shall proportionately reduce the amounts tentatively allocated under paragraphs (1) through (3) so that the amount distributed is equal to the sum of the amounts appropriated for such programs.

(6) FUNDING FOR LOCAL ENTITIES AND FIRST RESPONDERS.—The Secretary shall require recipients of the State Homeland Security Grant to provide local governments and first responders, consistent with the applicable State homeland security plan, with not less than 80 percent of the grant funds, the resources purchased with such grant funds, or a combination thereof, not later than 60 days after receiving grant funding.

(7) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this subsection shall be used to supplement and not supplant other State and local public funds obligated for the purposes provided under this Act.

(8) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

(A) IN GENERAL.—The Secretary shall designate not more than 25 percent of the amounts allocated through the State Homeland Security Grant Program to be used for the Law Enforcement Terrorism Prevention Program to provide grants to law enforcement agencies to enhance capabilities for terrorism prevention.

(B) USE OF FUNDS.—Grants awarded under this paragraph may be used for—

(i) information sharing to preempt terrorist attacks;

(ii) target hardening to reduce the vulnerability of selected high value targets;

(iii) threat recognition to recognize the potential or development of a threat;

(iv) intervention activities to interdict terrorists before they can execute a threat;

(v) interoperable communication systems;

(vi) overtime expenses related to the State Homeland Security Strategy approved by the Secretary; and

(vii) any other terrorism prevention activity authorized by the Secretary.

(f) REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a grant under this section shall annually submit a report to the Secretary that contains—

(A) an accounting of the amount of State and local funds spent on homeland security activities under the applicable State homeland security plan; and

(B) information regarding the use of grant funds by units of local government as required by the Secretary.

(g) ACCOUNTABILITY.—

(1) INTERIM PERFORMANCE MEASURES.—

(A) IN GENERAL.—Before establishing performance standards under paragraph (2), the Secretary shall assist each State in establishing interim performance measures based upon—

(i) the goals and objectives under subsection (d)(2); and

(ii) any other factors determined by the Secretary.

(B) ANNUAL REPORT.—Before establishing performance measures under paragraph (2), each State with an approved State plan shall submit to the Secretary a report detailing the progress the State has made in meeting the interim performance measures established under subparagraph (A).

(2) NATIONAL PERFORMANCE STANDARDS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall set national performance standards based in part on the goals and objectives under subsection (d)(2) and any other factors the Secretary determines relevant.

(B) COMPLIANCE.—The Secretary shall ensure that State plans are in conformance with the standards set under subparagraph (A).

(C) ANNUAL REPORT.—After the establishment of performance standards under subparagraph (A), each State with an approved State homeland security plan shall submit to the Secretary a report on the progress the State has made in meeting such standards.

(3) GENERAL ACCOUNTING OFFICE ACCESS TO INFORMATION.—Each recipient of a grant under this section and the Department of Homeland Security shall provide the General Accounting Office with full access to information regarding the activities carried out under this section.

(4) AUDIT.—Grant recipients that expend $500,000 or more in Federal funds during any fiscal year shall submit to the Secretary an organization wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

(h) REMEDIES FOR NON-COMPLIANCE.—

(1) IN GENERAL.—If the Secretary finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this section has failed to substantially comply with any provision of this section, the Secretary shall—

(A) terminate any payment of grant funds to be made to the recipient under this section;

(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this section; or

(C) limit the use of grant funds received under this section to programs, projects, or activities not affected by the failure to comply.

(2) DURATION OF PENALTY.—The Secretary shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this section.

(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this section, including failing to provide local governments with grant funds or resources purchased with grant funds in a timely fashion, a local government entitled to receive such grant funds or resources may petition the Secretary, at such time and in such manner as determined by the Secretary, to request that grant funds or resources be provided directly to the local government.

(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress that provides—

(1) findings relating to the performance standards established under subsection (g);

(2) the status of preparedness goals and objectives;

(3) an evaluation of how States and local governments are meeting preparedness goals and objectives;

(4) the total amount of resources provided to the States;

(5) the total amount of resources provided to units of local government; and

(6) a list of how these resources were expended.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) LARGE HIGH-THREAT STATE FUND.—There are authorized to be appropriated 10.8 percent of the funds appropriated in any fiscal year pursuant to paragraph (1), which shall be used to carry out the Large High-Threat State Fund.

**SEC. 467. ELIMINATING HOMELAND SECURITY FRAUD, WASTE, AND ABUSE.**

(a) ANNUAL GENERAL ACCOUNTING OFFICE AUDIT AND REPORT.—

(1) AUDIT.—The Comptroller General shall conduct an annual audit of the Threat Based Homeland Security Grant Program.

(2) REPORT.—The Comptroller General shall provide a report to Congress on the results of the audit conducted under paragraph (1), which includes—

(A) an analysis of whether the grant recipients allocated funding consistent with the State homeland security plan and the guidelines established by the Department of Homeland Security; and

(B) the amount of funding devoted to overtime and administrative expenses.

(b) REVIEWS OF THREAT-BASED HOMELAND SECURITY FUNDING.—The Secretary, through the appropriate agency, shall conduct periodic reviews of grants made through the Threat Based Homeland Security Grant Program to ensure that recipients allocate funds consistent with the guidelines established by the Department of Homeland Security.

(c) REMEDIES FOR NON-COMPLIANCE.—If the Secretary determines, after reasonable notice and an opportunity for a hearing, that a recipient of a Threat Based Homeland Security Grant has failed to substantially comply with any regulations or guidelines issues by the Department regarding eligible expenditures, the Secretary shall—

(1) terminate any payment of grant funds scheduled to be made to the recipient;

(2) reduce the amount of payment of grant finds to the recipient by an amount equal to the amount of grant funds that were not expended by the recipient in accordance with such guidelines; or

(3) limit the use of grant funds received under the Threat Based Homeland Security Grant Program to programs, projects, or activities not affected by the failure to comply.

(d) DURATION OF PENALTY.—The Secretary shall apply an appropriate penalty under subsection (c) until such time as the Secretary determines that the grant recipient is in full compliance with the guidelines established by the Department of Homeland Security.

**SEC. 468. FLEXIBILITY IN UNSPENT HOMELAND SECURITY FUNDS.**

(a) REALLOCATION OF FUNDS.—The Director of the Office for Domestic Preparedness, Department of Homeland Security, shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Laws 105–277 (112 Stat. 2681 et seq.), 106–113 (113 Stat. 1501A–3 et seq.), 106–553 (114 Stat. 2762A–3 et seq.), 107–77 (115 Stat. 78 et seq.), or the Consolidated Appropriations Resolution of 2003 (Public Law 108–7), among the 4 categories of equipment, training, exercises, and planning.

(b) APPROVAL OF REALLOCATION REQUESTS.—The Director shall approve reallocation requests under subsection (a) in accordance with the State plan and any other relevant factors that the Secretary of Homeland Security determines to be necessary.

(c) LIMITATION.—A waiver under this section shall not affect the obligation of a State to pass through 80 percent of the amount appropriated for equipment to units of local government.

**SEC. 469. CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.**

(a) IN GENERAL.—The Secretary of Homeland Security shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste unless and until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau of Customs and Border Protection of the Department of Homeland Security to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in such waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport.

(b) DEFINED TERM.—In this section, the term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

**Subtitle G—Public Safety Spectrum**

**SEC. 471. SHORT TITLE.**

This subtitle may be cited as the ''Spectrum Availability for Emergency-Response and Law-Enforcement To Improve Vital Emergency Services Act'' or the ''SAVE LIVES Act''.

**SEC. 472. FINDINGS.**

The Congress finds the following:

(1) In its final report, the 9-11 Commission advocated that Congress pass legislation providing for the expedited and increased assignment of radio spectrum for public safety purposes. The 9-11 Commission stated that this spectrum was necessary to improve communications between local, State and Federal public safety organizations and public safety organizations operating in neighboring jurisdictions that may respond to an emergency in unison.

(2) Specifically, the 9-11 Commission report stated ''The inability to communicate was a critical element at the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains an important problem.''.

(3) In the Balanced Budget Act of 1997, the Congress directed the FCC to allocate spectrum currently being used by television broadcasters to public safety agencies to use for emergency communications. This spectrum has specific characteristics that make it an outstanding choice for emergency communications because signals sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

(4) This spectrum will not be fully available to public safety agencies until the completion of the digital television transition. The need for this spectrum is greater than ever. The nation cannot risk further loss of life due to public safety agencies' first responders' inability to communicate effectively in the event of another terrorist act or

other crisis, such as a hurricane, tornado, flood, or earthquake.

(5) In the Balanced Budget Act of 1997, Congress set a date of December 31, 2006, for the termination of the digital television transition. Under current law, however, the deadline will be extended if fewer than 85 percent of the television households in a market are able to continue receiving local television broadcast signals.

(6) Federal Communications Commission Chairman Michael K. Powell testified at a hearing before the Senate Commerce, Science, and Transportation Committee on September 8, 2004, that, absent government action, this extension may allow the digital television transition to continue for ''decades'' or ''multiples of decades''.

(7) The Nation's public safety and welfare cannot be put off for ''decades'' or ''multiples of decades''. The Federal government should ensure that this spectrum is available for use by public safety organizations by January 1, 2009.

(8) Any plan to end the digital television transition would be incomplete if it did not ensure that consumers would be able to continue to enjoy over-the-air broadcast television with minimal disruption. If broadcasters air only a digital signal, some consumers may be unable to view digital transmissions using their analog-only television set. Local broadcasters are truly an important part of our homeland security and often an important communications vehicle in the event of a national emergency. Therefore, consumers who rely on over-the-air television, particularly those of limited economic means, should be assisted.

(9) The New America Foundation has testified before Congress that the cost to assist these 17.4 million exclusively over-the-air households to continue to view television is less than $1 billion dollars for equipment, which equates to roughly 3 percent of the Federal revenue likely from the auction of the analog television spectrum.

(10) Specifically, the New America Foundation has estimated that the Federal Government's auction of this spectrum could yield $30-to-$40 billion in revenue to the Treasury. Chairman Powell stated at the September 8, 2004, hearing that ''estimates of the value of that spectrum run anywhere from $30 billion to $70 billion''.

(11) Additionally, there will be societal benefits with the return of the analog broadcast spectrum. Former FCC Chairman Reed F. Hundt, at an April 28, 2004, hearing before the Senate Commerce, Science, and Transportation Committee, testified that this spectrum ''should be the fit and proper home of wireless broadband''. Mr. Hundt continued, ''Quite literally, [with this spectrum] the more millions of people in rural America will be able to afford Big Broadband Internet access, the more hundreds of millions of people in the world will be able to afford joining the Internet community.''.

(12) Due to the benefits that would flow to the Nation's citizens from the Federal Government reclaiming this analog television spectrum—including the safety of our Nation's first responders and those protected by first responders, additional revenues to the Federal treasury, millions of new jobs in the telecommunications sector of the economy, and increased wireless broadband availability to our Nation's rural citizens—Congress finds it necessary to set January 1, 2009, as a firm date for the return of this analog television spectrum.

**SEC. 473. SETTING A SPECIFIC DATE FOR THE AVAILABILITY OF SPECTRUM FOR PUBLIC SAFETY ORGANIZATIONS AND CREATING A DEADLINE FOR THE TRANSITION TO DIGITAL TELEVISION.**

(a) IN GENERAL.—Section 309(j)(14) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)) is amended—

(1) by striking ''2006.'' in subparagraph (A) and inserting ''2008.'';

(2) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C);

(3) by striking ''subparagraph (A) or (B),'' in subparagraph (B), as redesignated, and inserting ''subparagraph (A),'';

(4) by striking ''subparagraph (C)(i),'' in subparagraph (C), as redesignated, and inserting ''subparagraph (B)(i),''; and

(5) by adding at the end the following:

''(D) ACCELERATION OF DEADLINE FOR PUBLIC SAFETY USE.—

''(i) Notwithstanding subparagraph (A), the Commission shall take all action necessary to complete by December 31, 2007—

''(I) the return of television station licenses operating on channels between 764 and 776 megaHertz and between 794 and 806 megaHertz; and

''(II) assignment of the electromagnetic spectrum between 764 and 776 megahertz, and between 794 and 806 megahertz, for public safety services.

''(ii) Notwithstanding subparagraph (A), the Commission may modify, reassign, or require the return of, the television station licenses assigned to frequencies between 758 and 764 megahertz, 776 and 782 megahertz, and 788 and 794 megahertz as necessary to permit operations by public safety services on frequencies between 764 and 776 megahertz and between 794 and 806 megahertz, after the date of enactment of the SAVES LIVES Act, but such modifications, reassignments, or returns may not take effect until after December 31, 2007.''.

(b) CERTAIN COMMERCIAL USE SPECTRUM.—The Commission shall assign the spectrum described in section 337(a)(2) of the Communications Act of 1934 (47 U.S.C. 337(a)(2)) allocated for commercial use by competitive bidding pursuant to section 309(j) of that Act (47 U.S.C. 309(j)) no later than 1 year after the Commission transmits the report required by section 474(a) to the Congress.

**SEC. 474. STUDIES OF COMMUNICATIONS CAPABILITIES AND NEEDS.**

(a) IN GENERAL.—The Commission, in consultation with the Secretary of Homeland Security, shall conduct a study to assess strategies that may be used to meet public safety communications needs, including—

(1) the short-term and long-term need for additional spectrum allocation for Federal, State, and local first responders, including an additional allocation of spectrum in the 700 megaHertz band;

(2) the need for a nationwide interoperable broadband mobile communications network;

(3) the ability of public safety entities to utilize wireless broadband applications; and

(4) the communications capabilities of first receivers such as hospitals and health care workers, and current efforts to promote communications coordination and training among the first responders and the first receivers.

(b) REALLOCATION STUDY.—The Commission shall conduct a study to assess the advisability of reallocating any amount of spectrum in the 700 megaHertz band for unlicensed broadband uses. In the study, the Commission shall consider all other possible users of this spectrum, including public safety.

(c) REPORT.—The Commission shall report the results of the studies, together with any recommendations it may have, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce within 1 year after the date of enactment of this Act.

**SEC. 475. STATUTORY AUTHORITY FOR THE DEPARTMENT OF HOMELAND SECURITY'S ''SAFECOM'' PROGRAM.**

Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) SAFECOM AUTHORIZED.—

''(1) IN GENERAL.—In carrying out subsection (a), the Under Secretary shall establish a program to address the interoperability of communications devices used by Federal, State, tribal, and local first responders, to be known as the Wireless Public Safety Interoperability Communications Program, or 'SAFECOM'. The Under Secretary shall coordinate the program with the Director of the Department of Justice's Office of Science and Technology and all other Federal programs engaging in communications interoperability research, development, and funding activities to ensure that the program takes into account, and does not duplicate, those programs or activities.

''(2) COMPONENTS.—The program established under paragraph (1) shall be designed—

''(A) to provide research on the development of a communications system architecture that would ensure the interoperability of communications devices among Federal, State, tribal, and local officials that would enhance the potential for a coordinated response to a national emergency;

''(B) to support the completion and promote the adoption of mutually compatible voluntary consensus standards developed by a standards development organization accredited by the American National Standards Institute to ensure such interoperability; and

''(C) to provide for the development of a model strategic plan that could be used by any State or region in developing its communications interoperability plan.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

''(A) $22,105,000 for fiscal year 2005;

''(B) $22,768,000 for fiscal year 2006;

''(C) $23,451,000 for fiscal year 2007;

''(D) $24,155,000 for fiscal year 2008; and

''(E) $24,879,000 for fiscal year 2009.

''(c) NATIONAL BASELINE STUDY OF PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY.—By December 31, 2005, the Under Secretary of Homeland Security for Science and Technology shall complete a study to develop a national baseline for communications interoperability and develop common grant guidance for all Federal grant programs that provide communications-related resources or assistance to State and local agencies, any Federal programs conducting demonstration projects, providing technical assistance, providing outreach services, providing standards development assistance, or conducting research and development with the public safety community with respect to wireless communications. The Under Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce containing the Under Secretary's findings, conclusions, and recommendations from the study.''.

**SEC. 476. GRANT PROGRAM TO PROVIDE ENHANCED INTEROPERABILITY OF COMMUNICATIONS FOR FIRST RESPONDERS.**

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program to help State, local, tribal, and regional first responders acquire and deploy interoperable communications equipment, purchase such equipment, and train personnel in the use of such equipment. The Secretary, in cooperation with the heads of other Federal departments and agencies who administer programs that provide communications-related assistance programs to State, local, and tribal public safety organizations, shall develop and implement common standards to the greatest extent practicable.

(b) APPLICATIONS.—To be eligible for assistance under the program, a State, local, tribal, or regional first responder agency shall submit an application, at such time, in such form, and containing such information as the Under Secretary of Homeland Security for Science and Technology may require, including—

(1) a detailed explanation of how assistance received under the program would be used to improve local communications interoperability and ensure interoperability with other appropriate Federal, State, local, tribal, and regional agencies in a regional or national emergency;

(2) assurance that the equipment and system would—

(A) not be incompatible with the communications architecture developed under section 302(b)(2)(A) of the Homeland Security Act of 2002;

(B) would meet any voluntary consensus standards developed under section 302(b)(2)(B) of that Act; and

(C) be consistent with the common grant guidance established under section 302(b)(3) of the Homeland Security Act of 2002.

(c) GRANTS.—The Under Secretary shall review applications submitted under subsection (b). The Secretary, pursuant to an application approved by the Under Secretary, may make the assistance provided under the program available in the form of a single grant for a period of not more than 3 years.

**SEC. 477. DIGITAL TRANSITION PUBLIC SAFETY COMMUNICATIONS GRANT AND CONSUMER ASSISTANCE FUND.**

(a) IN GENERAL.—There is established on the books of the Treasury a separate fund to be known as the ''Digital Transition Consumer Assistance Fund'', which shall be administered by the Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information.

(b) CREDITING OF RECEIPTS.—The Fund shall be credited with the amount specified in section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)).

(c) FUND AVAILABILITY.—

(1) APPROPRIATIONS.—

(A) CONSUMER ASSISTANCE PROGRAM.—There are appropriated to the Secretary from the Fund such sums, not to exceed $1,000,000,000, as are required to carry out the program established under section 478.

(B) PSO GRANT PROGRAM.—To the extent that amounts available in the Fund exceed the amount required to carry out that program, there are authorized to be appropriated to the Secretary of Homeland Security, such sums as are required to carry out the program established under section 476, not to exceed an amount, determined by the Director of the Office of Management and Budget, on the basis of the findings of the National Baseline Interoperability study conducted by the SAFECOM Office of the Department of Homeland Security.

(2) REVERSION OF UNUSED FUNDS.—Any auction proceeds in the Fund that are remaining after the date on which the programs under section 476 and 478 terminate, as determined by the Secretary of Homeland Security and the Secretary of Commerce respectively, shall revert to and be deposited in the general fund of the Treasury.

(d) DEPOSIT OF AUCTION PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) by inserting ''or subparagraph (D)'' in subparagraph (A) after ''subparagraph (B)''; and

(2) by adding at the end the following new subparagraph:

''(D) DISPOSITION OF CASH PROCEEDS FROM AUCTION OF CHANNELS 52 THROUGH 69.—Cash proceeds attributable to the auction of any eligible frequencies between 698 and 806 megaHertz on the electromagnetic spectrum conducted after the date of enactment of the SAVE LIVES Act shall be deposited in the Digital Transition Consumer Assistance Fund established under section 477 of that Act.''.

**SEC. 478. DIGITAL TRANSITION PROGRAM.**

(a) IN GENERAL.—The Secretary, in consultation with the Commission and the Director of the Office of Management and Budget, shall establish a program to assist households—

(1) in the purchase or other acquisition of digital-to-analog converter devices that will enable television sets that operate only with analog signal processing to continue to operate when receiving a digital signal;

(2) in the payment of a one-time installation fee (not in excess of the industry average fee for the date, locale, and structure involved, as determined by the Secretary) for installing the equipment required for residential reception of services provided by a multichannel video programming distributor (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 602(13)); or

(3) in the purchase of any other device that will enable the household to receive over-the-air digital television broadcast signals, but in an amount not in excess of the average per-household assistance provided under paragraphs (1) and (2).

(b) PROGRAM CRITERIA.—The Secretary shall ensure that the program established under subsection (a)—

(1) becomes publicly available no later than January 1, 2008;

(2) gives first priority to assisting lower income households (as determined by the Director of the Bureau of the Census for statistical reporting purposes) who rely exclusively on over-the-air television broadcasts;

(3) gives second priority to assisting other households who rely exclusively on over-the-air television broadcasts;

(4) is technologically neutral; and

(5) is conducted at the lowest feasible administrative cost.

**SEC. 479. LABEL REQUIREMENT FOR ANALOG TELEVISION SETS.**

(a) IN GENERAL.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end the following:

''(z) Require that any apparatus described in paragraph (s) sold or offered for sale in or affecting interstate commerce after September 30, 2005, that is incapable of receiving and displaying a digital television broadcast signal without the use of an external device that translates digital television broadcast signals into analog television broadcast signals have affixed to it and, if it is sold or offered for sale in a container, affixed to that container, a label that states that the apparatus will be incapable of displaying over-the-air television broadcast signals received after December 31, 2008, without the purchase of additional equipment.''.

(b) SHIPMENT PROHIBITED.—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) SHIPMENT OF UNLABELED OBSOLESCENT TELEVISION SETS.—No person shall ship in interstate commerce or manufacture in the United States any apparatus described in section 303(s) of this Act except in accordance with rules prescribed by the Commission under section 303(z) of this Act.''.

(c) POINT OF SALE WARNING.—The Commission, in consultation with the Federal Trade Commission, shall require the display at, or in close proximity to, any commercial retail sales display of television sets described in section 303(z) of the Communications Act of 1934 (47 U.S.C. 303(z)) sold or offered for sale in or affecting interstate commerce after September 30, 2005, of a printed notice that clearly and conspicuously states that the sets will be incapable of displaying over-the-air television broadcast signals received after December 31, 2008, without the purchase or lease of additional equipment.

**SEC. 480. REPORT ON CONSUMER EDUCATION PROGRAM REQUIREMENTS.**

Within 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, after consultation with the Commission, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce containing recommendations with respect to—

(1) an effective program to educate consumers about the transition to digital television broadcast signals and the impact of that transition on consumers' choices of equipment to receive such signals;

(2) the need, if any, for Federal funding for such a program;

(3) the date of commencement and duration of such a program; and

(4) what department or agency should have the lead responsibility for conducting such a program.

**SEC. 481. FCC TO ISSUE DECISION IN CERTAIN PROCEEDINGS.**

The Commission shall issue a final decision before—

(1) January 1, 2005, in the Matter of Carriage of Digital Television Broadcast Signals; Amendments to Part 76 of the Commission's Rules, CS Docket No. 98-120;

(2) January 1, 2005, in the Matter of Public Interest Obligations of TV Broadcast Licensees, MM Docket No. 99-360; and

(3) January 1, 2006, in the Implementation of the Satellite Home Viewer Improvement Act of 1999; Local Broadcast Signal Carriage Issues, CS Docket No. 00-96.

**SEC. 482. DEFINITIONS.**

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) FUND.—The term ''Fund'' means the Digital Transition Consumer Assistance Fund established by section 477.

(3) SECRETARY.—Except where otherwise expressly provided, the term ''Secretary'' means the Secretary of Commerce.

**SEC. 483. EFFECTIVE DATE.**

Notwithstanding section 341, this subtitle takes effect on the date of enactment of this Act.

On page 134, line 14, insert ''issue guidelines'' before ''on classification''

On page 134, strike lines 16 and 17 and insert the following:

commonly accepted processing and access controls, in the course of which review, the

President may consider any comments submitted by the Select Committee on Intelligence, the Committee on Armed Services, the Committee on Foreign Relations of the Senate, and the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives regarding—

(i) the scope of the review the President should undertake in formulating the guidelines under this subparagraph; and

(ii) the substance of what guidelines should be issued.

On page 177, after line 17, add the following:

**SEC. 226. CONGRESSIONAL APPEALS OF CLASSIFICATION DECISIONS.**

(a) REDESIGNATION OF PUBLIC INTEREST DECLASSIFICATION BOARD AS INDEPENDENT NATIONAL SECURITY CLASSIFICATION BOARD.—(1) Subsection (a) of section 703 of the Public Interest Declassification Act of 2000 (title VII of Public Law 10–567; 50 U.S.C. 435 note) is amended by striking ''Public Interest Declassification Board'' and inserting ''Independent National Security Classification Board''.

(2) The heading of such section is amended to read as follows:

**''SEC. 703. INDEPENDENT NATIONAL SECURITY CLASSIFICATION BOARD.''.**

(b) REVIEW OF CLASSIFICATION DECISIONS.—

(1) IN GENERAL.—The Independent National Security Classification Board shall, pursuant to a request under paragraph (3), review any classification decision made by an executive agency with respect to national security information.

(2) ACCESS.—The Board shall have access to all documents or other materials that are classified on the basis of containing national security information.

(3) REQUESTS FOR REVIEW.—The Board shall review, in a timely manner, the existing or proposed classification of any document or other material the review of which is requested by the chairman or ranking member of—

(A) the Committee on Armed Services, the Committee on Foreign Relations, or the Select Committee on Intelligence of the Senate; or

(B) the Committee on Armed Services, the Committee on International Relations, or the Permanent Select Committee on Intelligence of the House of Representatives.

(4) RECOMMENDATIONS.—

(A) IN GENERAL.—The Board may make recommendations to the President regarding decisions to classify all or portions of documents or other material for national security purposes or to declassify all or portions of documents or other material classified for such purposes.

(B) IMPLEMENTATION.—Upon receiving a recommendation from the Board under subparagraph (A), the President shall either—

(i) accept and implement such recommendation; or

(ii) not later than 60 days after receiving the recommendation if the President does not accept and implement such recommendation, transmit in writing to Congress justification for the President's decision not to implement such recommendation.

(5) REGULATIONS.—The Board shall prescribe regulations to carry out this subsection.

(6) EXECUTIVE AGENCY DEFINED.—In this section, the term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code .

On page 39, strike lines 8 through 11 and insert the following:

(c) PERSONNEL STRENGTH LEVEL.—Congress shall authorize the personnel strength level for the National Intelligence Reserve Corps for each fiscal year.

At the end of subtitle A of title II, add the following:

**SEC. ___. USE OF UNITED STATES COMMERCIAL REMOTE SENSING SPACE CAPABILITIES FOR IMAGERY AND GEOSPATIAL INFORMATION REQUIREMENTS.**

(a) IN GENERAL.—The National Intelligence Director shall take actions to ensure, to the extent practicable, the utilization of United States commercial remote sensing space capabilities to fulfill the imagery and geospatial information requirements of the intelligence community.

(b) PROCEDURES FOR UTILIZATION.—The National Intelligence Director may prescribe procedures for the purpose of meeting the requirement in subsection (a).

(c) DEFINITIONS.—In this section, the terms ''imagery'' and ''geospatial information'' have the meanings given such terms in section 467 of title 10, United States Code.

On page 9, line 13, strike ''counterterrorism'' and insert ''intelligence, including counterterrorism,''.

On page 23, line 1, strike ''may require modifications'' and insert ''may modify, or may require modifications,''.

On page 28, line 17, strike ''or'' and insert ''and''.

On page 112, beginning on line 12, strike ''Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives'' and insert ''Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives''.

On page 200, strike lines 5 through 11 and insert the following:

**SEC. 307. CONFORMING AMENDMENTS ON RESPONSIBILITIES OF SECRETARY OF DEFENSE PERTAINING TO NATIONAL INTELLIGENCE PROGRAM.**

Section 105(a) of the National Security Act of 1947 (50 U.S.C. 403–5(a)) is amended—

(1) in paragraph (1), by striking ''ensure'' and inserting ''assist the Director in ensuring''; and

(2) in paragraph (2), by striking ''appropriate''.

On page 78, line 19, insert ''regular and detailed'' before ''reviews''.

On page 79, strike lines 1 and 2 and insert the following political considerations, based upon all sources available to the intelligence community, and performed in a manner consistent with sound analytic methods and tradecraft, including reviews for purposes of determining whether or not—

(A) such product or products state separately, and distinguish between, the intelligence underlying such product or products and the assumptions and judgments of analysts with respect to the intelligence and such product or products;

(B) such product or products describe the quality and reliability of the intelligence underlying such product or products;

(C) such product or products present and explain alternative conclusions, if any, with respect to the intelligence underlying such product or products;

(D) such product or products characterizes the uncertainties, if any, and the confidence in such product or products; and

(E) the analyst or analysts responsible for such product or products had appropriate access to intelligence information from all sources, regardless of the source of the information, the method of collection of the information, the elements of the intelligence community that collected the information, or the location of such collection.

On page 80, line 1, insert ''(A)'' after ''(5)''.

On page 80, line 3, strike '', upon request,''.

On page 80, between lines 5 and 6, insert the following:

(B) The results of the evaluations under paragraph (4) shall also be distributed as appropriate throughout the intelligence community as a method for training intelligence community analysts and promoting the development of sound analytic methods and tradecraft. To ensure the widest possible distribution of the evaluations, the Analytic Review Unit shall, when appropriate, produce evaluations at multiple classification levels.

(6) Upon completion of the evaluations under paragraph (4), the Analytic Review Unit may make such recommendations to the National Intelligence Director and to appropriate heads of the elements of the intelligence community for awards, commendations, additional training, or disciplinary or other actions concerning personnel as the Analytic Review Unit considers appropriate in light of such evaluations. Any recommendation of the Analytic Review Unit under this paragraph shall not be considered binding on the official receiving such recommendation.

On page 80, line 6, strike ''INFORMATION.—'' and insert ''INFORMATION AND PERSONNEL.—(1)''.

On page 80, line 8, insert '', the Analytic Review Unit, and other staff of the Office of the Ombudsman of the National Intelligence Authority'' after ''Authority''.

On page 80 line 10, insert ''operational and'' before ''field reports''.

On page 80, between lines 13 and 14, insert the following:

(2) The Ombudsman, the Analytic Review Unit, and other staff of the Office shall have access to any employee, or any employee of a contractor, of the intelligence community whose testimony is needed for the performance of the duties of the Ombudsman.

On page 108, between lines 8 and 9, insert the following:

**SEC. 153. ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS.**

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

(1) Foreign language education is essential for the development of a highly-skilled workforce for the intelligence community.

(2) Since September 11, 2001, the need for language proficiency levels to meet required national security functions has been raised, and the ability to comprehend and articulate technical and scientific information in foreign languages has become critical.

(b) LINGUISTIC REQUIREMENTS.—(1) The National Intelligence Director shall—

(A) identify the linguistic requirements for the National Intelligence Authority;

(B) identify specific requirements for the range of linguistic skills necessary for the intelligence community, including proficiency in scientific and technical vocabularies of critical foreign languages; and

(C) develop a comprehensive plan for the Authority to meet such requirements through the education, recruitment, and training of linguists.

(2) In carrying out activities under paragraph (1), the Director shall take into account education grant programs of the Department of Defense and the Department of Education that are in existence as of the date of the enactment of this Act.

(3) Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director shall submit to Congress a report on the requirements identified under paragraph (1), including the success of the Authority in meeting such requirements. Each report shall notify Congress of any additional resources determined by the Director to be required to meet such requirements.

(4) Each report under paragraph (3) shall be in unclassified form, but may include a classified annex.

(c) PROFESSIONAL INTELLIGENCE TRAINING.—The National Intelligence Director shall require the head of each element and component within the National Intelligence Authority who has responsibility for professional intelligence training to periodically review and revise the curriculum for the professional intelligence training of the senior and intermediate level personnel of such element or component in order to—

(1) strengthen the focus of such curriculum on the integration of intelligence collection and analysis throughout the Authority; and

(2) prepare such personnel for duty with other departments, agencies, and element of the intelligence community.

On page 97, line 10, insert before the period the following: ", including through the establishment of mechanisms for the sharing of information and analysis among and between national intelligence centers having adjacent or significantly interrelated geographic regions or functional areas of intelligence responsibility".

On page 91, between lines 12 and 13, insert the following:

(C) Employees of Federally Funded Research and Development Centers (as that term is defined in part 2 of the Federal Acquisition Regulation), including employees of the Department of Energy national laboratories who are associated with field intelligence elements of the Department of Energy, shall be eligible to serve under contract or other mechanism with the National Counterterrorism Center under this paragraph.

On page 98, between lines 21 and 22, insert the following:

(C) employees of Federally Funded Research and Development Centers (as that term is defined in part 2 of the Federal Acquisition Regulation), including employees of the Department of Energy national laboratories who are associated with field intelligence elements of the Department of Energy, shall be eligible to serve under contract or other mechanism with a national intelligence center under this paragraph.

On page 45, between lines 10 and 11, insert the following:

(11) The Chief Scientist of the National Intelligence Authority.

On page 45, line 11, strike "(11)" and insert "(12)".

On page 45, line 14, strike "(12)" and insert "(13)".

On page 59, between lines 14 and 15, insert the following:

**SEC. 131. CHIEF SCIENTIST OF THE NATIONAL INTELLIGENCE AUTHORITY.**

(a) CHIEF SCIENTIST OF NATIONAL INTELLIGENCE AUTHORITY.—There is a Chief Scientist of the National Intelligence Authority who shall be appointed by the National Intelligence Director.

(b) REQUIREMENT RELATING TO APPOINTMENT.—An individual appointed as Chief Scientist of the National Intelligence Authority shall have a professional background and experience appropriate for the duties of the Chief Scientist.

(c) DUTIES.—The Chief Scientist of the National Intelligence Authority shall—

(1) act as the chief representative of the National Intelligence Director for science and technology;

(2) chair the National Intelligence Authority Science and Technology Committee under subsection (d);

(3) assist the Director in formulating a long-term strategy for scientific advances in the field of intelligence;

(4) assist the Director on the science and technology elements of the budget of the National Intelligence Authority; and

(5) perform other such duties as may be prescribed by Director or by law.

(d) NATIONAL INTELLIGENCE AUTHORITY SCIENCE AND TECHNOLOGY COMMITTEE.—(1) There is within the Office of the Chief Scientist of the National Intelligence Authority a National Intelligence Authority Science and Technology Committee.

(2) The Committee shall be composed of composed of the principal science officers of the National Intelligence Program.

(3) The Committee shall—

(A) coordinate advances in research and development related to intelligence; and

(B) perform such other functions as the Chief Scientist of the National Intelligence Authority shall prescribe.

On page 59, line 15, strike "131." and insert "132.".

On page 202, line 16, strike "131(b)" and insert "132(b)".

On page 113, between lines 17 and 18, insert the following:

(b) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the National Intelligence Director may, in the discretion of the Director, terminate the employment of any officer or employee of the National Intelligence Authority 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.

On page 113, line 18, strike "(b) RIGHTS AND PROTECTIONS" and insert "(c) OTHER RIGHTS AND PROTECTIONS".

On page 113, after line 24, add the following:

At the appropriate place, insert the follows:

(d) REGULATIONS.—The National Intelligence Director shall prescribe regulations on the application of the authorities, rights, and protections in and made applicable by subsection (a), (b), and (c), to the personnel of the National Intelligence Authority.

On page 119, strike lines 16 through 18 and insert: "The National Intelligence Director shall convene regular meetings of the Joint Intelligence Community Council."

"(e) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—(1) A member of the Joint Intelligence Community Council (other than the Chairman) may submit to the Chairman advice or an opinion in disagreement with, or advice or an opinion in addition to, the advice presented by the National Intelligence Director to the President or the National Security Council, in the role of the Chairman as Chairman of the Joint Intelligence Community Council. If a member submits such advice or opinion, the Chairman shall present the advice or opinion of such member at the same time the Chairman presents the advice of the Chairman to the President or the National Security Council, as the case may be.

"(2) The Chairman shall establish procedures to ensure that the presentation of the advice of the Chairman to the President or the National Security Council is not unduly delayed by reason of the submission of the individual advice or opinion of another member of the Council.

"(f) RECOMMENDATIONS TO CONGRESS.—Any member of the Joint Intelligence Community Council may make such recommendations to Congress relating to the intelligence community as such member considers appropriate.".

On page 84, beginning on line 8, strike "joint operations relating to counterterrorism" and insert "interagency counterterrorism planning and activities".

On page 126, strike lines 23 through 25.

On page 127, line 1, strike "(2)" and insert "(1)".

On page 127, line 4, strike "(3)" and insert "(2)".

On page 128, strike lines 1 through 3 and insert following:

(3) ENVIRONMENT.—The term "Environment" means the Information Sharing Environment as described under subsection (c).

On page 130, strike line 10 and insert the following:

(c) INFORMATION SHARING ENVIRONMENT.—

On page 130, line 20, strike "Network" and insert "Environment".

On page 133, lines 5 and 6, delete. "Director of the Office of Management and Budget" and insert "principal officer as designated in subsection 206(g)"

On page 133, line 10, strike "Network" and insert "Environment".

On page 134, line 2, strike "Network" and insert "Environment".

On page 134, line 22, strike "Network" and insert "Environment".

On page 135, beginning on line 16, strike "the Director of Management and Budget shall submit to the President and" and insert "the President shall submit".

On page 135 strike lines 19 through 22 and insert "Environment. The enterprise architecture and implementation plan shall be prepared by the principal officer in consultation with the Executive council and shall include—"

On page 135, line 24, strike "Network" and insert "Environment".

On page 136, line 3, strike "Network" and insert "Environment".

On page 136, line 5, strike "Network" and insert "Environment".

On page 136, line 7, strike "Network" and insert "Environment".

On page 137, beginning on line 4, strike "Network" and insert "Environment".

On page 137, line 8, strike "Network" and insert "Environment".

On page 137, line 11, strike "Network" and insert "Environment".

On page 137, line 14, strike "Network" and insert "Environment".

On page 137, line 16, strike "Network;" and insert "Environment; and".

On page 137, line 18, strike "Network" and insert "Environment".

On page 137, line 21, strike "that the Director of Management and Budget determines" and insert "determined" and insert a period.

On page 138, strike lines 1 through 3 and insert the following:

(g) RESPONSIBILITIES OF EXECUTIVE COUNCIL FOR INFORMATION SHARING ENVIRONMENT.—

On page 138, beginning on line 4, insert "(1) Not later than 120 days after the date of enactment with notification to Congress, the President shall designate an individual as the principal officer responsible for information sharing across the Federal government. That individual shall have and exercise government wide authority and have management expertise in enterprise architecture, information sharing and interoperability.

On page 138, beginning on line 6, strike "The Director of Management and Budget" and insert "The principal officer designated under this subsection"

On page 138, beginning on line 9, strike "Network" and insert "Environment".

On page 138, line 14, strike "Network" and insert "Environment".

On page 138, line 17, strike "Network" and insert "Environment".

On page 138, line 21, strike "to the President and".

On page 139, line 5, strike ''Network'' and insert ''Environment''.

On page 140, strike lines 5 through 17.

On page 140, strike lines 18 and 19 and insert the following:

(h) ESTABLISHMENT OF EXECUTIVE COUNCIL.—

On page 140, beginning on line 22, strike ''line 20 through line 24'' and insert ''There is established an Executive Council on information sharing that shall assist the principal officer as designated under subsection 206(g) in the execution of the duties under this Act concerning information sharing.''.

On page 141, line 1, insert ''The Executive Council shall be chaired by the principal officer designated in subsection 206(g).

On page 141, beginning on line 4, strike '', who shall serve as the Chairman of the Executive Council''.

On page 142, beginning on line 2, strike ''assist the Director of Management and Budget in—'' and insert ''assist the President in—''.

On page 142, beginning on line 4, strike ''Network'' and insert ''Environment''.

On page 142, line 8, strike ''Network'' and insert ''Environment''.

On page 142, line 11, strike ''Network'' and insert ''Environment''.

On page 142, line 12, strike ''Network'' and insert ''Environment''.

On page 142, beginning on line 15, strike ''Network;'' and insert ''Environment; and''.

On page 142, strike lines 22 through 24, and insert (F) considering input provided by persons from outside the federal government with significant experience and expertise in policy technical, and operational matters, including issues of security, privacy, or civil liberties.

On page 143, beginning on line 7, strike ''the Director of Management and Budget, in the capacity as Chair of the Executive Council,'' and insert ''the principal officer as designated in section 206(g)''.

On page 144, strike line 3 and all that follows through page 145, line 10.

On page 145 line 11, strike ''(j)'' and insert ''(i)''.

On page 145, beginning on line 14, strike ''through the Director of Management and Budget'' and insert ''principal officer as designated in section 206(g).''

On page 145, line 16, strike ''Network'' and insert ''Environment''.

On page 145, line 21, strike ''Network'' and insert ''Environment''.

On page 145, line 22, strike ''Network'' and insert ''Environment''.

On page 146, line 4, strike ''Network'' and insert ''Environment''.

On page 146, line 7, strike ''Network'' and insert ''Environment''.

On page 146, line 9, strike ''Network'' and insert ''Environment''.

On page 146, line 13, strike ''Network'' and insert ''Environment''.

On page 147, line 2, strike ''Network'' and insert ''Environment''.

On page 147, line 6, strike ''Network'' and insert ''Environment''.

On page 147, line 8, strike ''Network'' and insert ''Environment''.

On page 147, line 11, strike ''Network'' and insert ''Environment''.

On page 147, line 17, strike ''Network'' and insert ''Environment''.

On page 147, line 22, strike ''Network'' and insert ''Environment''.

On page 148, line 6, strike ''Network'' and insert ''Environment''.

On page 148, line 8, strike ''Network'' and insert ''Environment''.

On page 148, line 16, strike ''Network'' and insert ''Environment''.

On page 148, line 17, strike ''(k)'' and insert ''(j)''.

On page 148, line 20, strike ''Network'' and insert ''Environment''.

On page 148, line 24, strike ''Network'' and insert ''Environment''.

On page 149, line 3, strike ''Network'' and insert ''Environment''.

On page 149, line 5, strike ''Network'' and insert ''Environment''.

On page 149, line 10, strike ''(l)'' and insert ''(k)''.

On page 149, line 13, strike ''Network'' and insert ''Environment''.

On page 149, line 14, strike ''Network'' and insert ''Environment''.

On page 149, beginning on line 14, strike ''the Director of Management and Budget'' and insert ''the principal officer as designated in section 206(g)''.

On page 149, line 19, strike ''Network'' and insert ''Environment''.

On page 150, line 2, strike ''Network'' and insert ''Environment''.

On page 150, line 9, strike ''Network'' and insert ''Environment''.

On page 150, line 13, strike ''Network'' and insert ''Environment''.

On page 150, line 16, strike ''Network'' and insert ''Environment''.

On page 150, line 18, strike ''(m)'' and insert ''(l)''.

On page 150, beginning on line 23, strike ''Network'' and insert ''Environment''.

On page 151, line 2, strike ''Network'' and insert ''Environment''.

On page 151, line 3, strike ''Network'' and insert ''Environment''.

On page 152, line 7, strike ''Network'' and insert ''Environment''.

On page 152, line 11, strike ''Network'' and insert ''Environment''.

On page 152, line 19, strike ''(n)'' and insert ''(m)''.

On page 152, beginning on line 21, strike ''to the Director of Management and Budget''.

On page 153, line 1, strike ''Network'' and insert ''Environment''.

On page 133, line 4, strike ''90 days'' and insert ''180 days''.

On page 134, line 4, strike ''180 days'' and insert ''270 days''.

On page 135, line 15, strike ''270 days'' and insert ''1 year''.

On page 140, line 6, strike ''30 days'' and insert ''90 days''.

On page 145, line 12, strike ''1 year'' and insert ''15 months''.

On page 149, line 16, strike ''1 year'' and insert ''15 months''.

On page 150, line 20, strike ''1 year'' and insert ''15 months''.

On page 212, beginning on line 3, strike ''subsection (b), this Act, and the amendments made by this Act,'' and insert ''subsections (b), (c), and (d), titles I through III of this Act, and the amendments made by such titles,''

On page 212, between lines 6 and 7, insert the following:

(b) SPECIFIED EFFECTIVE DATES.—(1) The provisions of section 206 shall take effect as provided in such provisions.

(2) The provisions of sections 211 and 212 shall take effect 90 days after the date of the enactment of this Act.

On page 212, line 7, strike ''(b)'' and all that follows through ''United States'' on line 10 and insert ''(c) EARLIER EFFECTIVE DATE.—In order to safeguard the national security of the United States through rapid implementation of titles I through III of this Act while also ensuring a smooth transition in the implementation of such titles,''.

On page 212, beginning on line 11, strike ''Act (including the amendments made by this Act), or one or more particular provisions of this Act'' and insert ''titles I through III of this Act (including the amendments made by such titles), or one or more particular provisions of such titles''.

On page 212, between lines 16 and 17, insert the following:

(d) DELAYED EFFECTIVE DATE.—(1) Except with respect to a provision specified in subsection (b), the President may extend the effective date of a provision of titles I through III of this Act (including the amendments made by such provision) for any period up to 180 days after the effective date otherwise provided by this section for such provision.

(2) The President may extend the effective date of a provision under paragraph (1) only if the President determines that the extension is necessary to safeguard the national security of the United States and after balancing the need for a smooth transition in the implementation of titles I through III of this Act against the need for a rapid implementation of such titles.

On page 212, line 17, strike ''(c)'' and insert ''(e)''.

On page 212, line 18, strike ''(b)'' and insert ''(c) or (d)''.

On page 212, line 23, strike ''earlier'' and insert ''earlier or delayed''.

On page 212, line 25, strike ''earlier'' and insert ''earlier or delayed''.

On page 28, beginning on line 16, strike ''of the National Intelligence Director''.

On page 43, beginning on line 1, strike ''**OF THE NATIONAL INTELLIGENCE DIRECTOR**''.

On page 43, beginning on line 5, strike ''of the National Intelligence Director'' and insert ''for the National Intelligence Director and the Director of the Central Intelligence Agency''.

On page 43, line 14, add at the end the following: ''Any use of funds from the Reserve shall be subject to the direction and approval of the National Intelligence Director and in accordance with procedures issued by the Director.''.

On page 43, beginning on line 17, strike ''of the National Intelligence Director''.

On page 141, between lines 15 and 16, insert the following:

(H) the Director of the Central Intelligence Agency or his designee;

On page 141, line 16, strike ''(H)'' and insert ''(I)''.

On page 141, line 18, strike ''(I)'' and insert ''(J)''.

On page 141, line 21, strike ''(J)'' and insert ''(K)''.

On page 194, beginning on line 23, strike ''of the National Intelligence Director''.

On page 153, between lines 2 and 3, insert the following:

**SEC. 207. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF DEFENSE SCIENCE BOARD ON PREVENTING AND DEFENDING AGAINST CLANDESTINE NUCLEAR ATTACK.**

(a) FINDING.—Congress finds that the June 2004 report of the Defense Science Board Task Force on Preventing and Defending Against Clandestine Nuclear Attack—

(1) found that it would be easy for adversaries to introduce and detonate a nuclear explosive clandestinely in the United States;

(2) found that clandestine nuclear attack and defense against such attack should be treated as an emerging aspect of strategic warfare and that those matters warrant national and Department of Defense attention; and

(3) called for a serious national commitment to a multidepartment program to create a multi-element, layered, global, civil/military complex of systems and capabilities that can greatly reduce the likelihood of a successful clandestine attack, achieving levels of protection effective enough to warrant the effort.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the

Secretary of Defense shall, in consultation with the Secretary of Energy, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions proposed to be taken to address the recommendations of the Defense Science Board Task Force on Preventing and Defending Against Clandestine Nuclear Attack.

On page 109, line 6, insert the words ''within the National Intelligence Program'' after the words ''for each intelligence program''

On page 109, strike lines 12 and 13 and insert the following:

(B) serve as exclusive milestone decision authority, except that with respect to Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary; and

On page 110, strike lines 8 through 18 and insert the following:

(4) If the National Intelligence Director and the Secretary of Defense are unable to reach agreement on a milestone decision under this subsection, the Director shall assume milestone decision authority subject to review by the President at the request of the Secretary.

On page 94, between lines 14 and 15, insert the following:

(3) There may be established under this subsection one or more national intelligence centers having intelligence responsibility for the following:

(A) The nuclear terrorism threats confronting the United States.

(B) The chemical terrorism threats confronting the United States.

(C) The biological terrorism threats confronting the United States.

On page 94, line 15, strike ''(3)'' and insert ''(4)''.

At the appropriate place, insert the following:

**SEC. ____. INTELLIGENCE COMMUNITY USE OF NISAC CAPABILITIES.**

The National Intelligence Director shall establish a formal relationship, including information sharing, between the intelligence community and the National Infrastructure Simulation and Analysis Center. Through this relationship, the intelligence community shall take full advantage of the capabilities of the National Infrastructure Simulation and Analysis Center, particularly vulnerability and consequence analysis, for real time response to reported threats and long term planning for projected threats.

On page 60, strike line 5 and all that follows through page 77, line 18, and insert the following:

**SEC. 141. INSPECTOR GENERAL OF THE NATIONAL INTELLIGENCE AUTHORITY.**

(a) INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—There is an Inspector General of the National Intelligence Authority. The Inspector General of the National Intelligence Authority and the Office of the Inspector General of the National Intelligence Authority shall be subject to the provisions of the Inspector General Act of 1978 (5 U.S.C. App.).

(b) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978 RELATING TO INSPECTOR GENERAL OF NATIONAL INTELLIGENCE AUTHORITY.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8J as section 8K; and

(2) by inserting after section 8I the following new section:

''SPECIAL PROVISIONS CONCERNING THE NATIONAL INTELLIGENCE AUTHORITY

''SEC. 8J. (a)(1) Notwithstanding the last 2 sentences of section 3(a), the Inspector General of the National Intelligence Authority (in this section referred to as the 'Inspector General') shall be under the authority, direction, and control of the National Intelligence Director (in this section referred to as the 'Director') with respect to audits or investigations, or the issuance of subpoenas, which require access to information concerning intelligence or counterintelligence matters the disclosure of which would constitute a serious threat to national security.

''(2) With respect to information described in paragraph (1), the Director may prohibit the Inspector General from initiating, carrying out, or completing any investigation, inspection, or audit, or from issuing any subpoena, if the Director determines that such prohibition is necessary to preserve the vital national security interests of the United States.

''(3) If the Director exercises the authority under paragraph (1) or (2), the Director shall submit to the congressional intelligence committees an appropriately classified statement of the reasons for the exercise of such authority within 7 days.

''(4) The Director shall advise the Inspector General at the time a report under paragraph (3) 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.

''(5) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (4) that the Inspector General considers appropriate.

''(b) In addition to the qualifications for the appointment of the Inspector General under section 3(a), the Inspector General shall be appointed on the basis of prior experience in the field of intelligence or national security.

''(c)(1)(A) In addition to the duties and responsibilities of the Inspector General specified elsewhere in this Act, the Inspector General shall, for the purpose stated in subparagraph (B), provide policy direction for, and conduct, supervise, and coordinate audits and investigations relating to—

''(i) the coordination and collaboration among elements of the intelligence community within the National Intelligence Program; and

''(ii) the coordination and collaboration between elements of the intelligence community within the National Intelligence Program and other elements of the intelligence community.

''(B) The Inspector General shall conduct the activities described in subparagraph (A) to ensure that the coordination and collaboration referred to in that paragraph is conducted efficiently and in accordance with applicable law and regulation.

''(C) Before undertaking any investigation, inspection, or audit under subparagraph (A), the Inspector General shall consult with any other inspector general having responsibilities regarding an element of the intelligence community whose activities are involved in the investigation, inspection, or audit for the purpose of avoiding duplication of effort and ensuring effective coordination and cooperation.

''(2) In addition to the matters of which the Inspector General is required to keep the Director and Congress fully and currently informed under section 4(a), the Inspector General shall—

''(A) keep the Director and Congress fully and currently informed concerning—

''(i) violations of civil liberties and privacy that may occur in the programs and operations of the National Intelligence Authority; and

''(ii) violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in the coordination and collaboration referred to in clauses (i) and (ii) of paragraph (1)(A); and

''(B) report the progress made in implementing corrective action with respect to the matters referred to in subparagraph (A).

''(3) To enable the Inspector General to fully and effectively carry out the duties and responsibilities specified in this Act, the Inspector General and the inspectors general of the other elements of the intelligence community shall coordinate their internal audit, inspection, and investigative activities to avoid duplication and ensure effective coordination and cooperation.

''(4) The Inspector General shall 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.

''(d)(1) Each semiannual report prepared by the Inspector General under section 5(a) shall—

''(A) include an assessment of the effectiveness of all measures in place in the National Intelligence Authority for the protection of civil liberties and privacy of United States persons; and

''(B) be transmitted by the Director to the congressional intelligence committees.

''(2) In addition the duties of the Inspector General and the Director under section 5(d)—

''(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—

''(i) the coordination and collaboration among elements of the intelligence community within the National Intelligence Program; and

''(ii) the coordination and collaboration between elements of the intelligence community within the National Intelligence Program and other elements of the intelligence community; and

''(B) the Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate.

''(3) Any report required to be transmitted by the Director to the appropriate committees or subcommittees of Congress under section 5(d) shall also be transmitted, within the 7-day period specified in that section, to the congressional intelligence committees.

''(4) 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 National Intelligence 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.

''(5) 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.

''(e)(1) In addition to the other authorities of the Inspector General under this Act, the Inspector General shall have access to any personnel of the National Intelligence Authority, or any employee of a contractor of the Authority, whose testimony is needed for the performance of the duties of the Inspector General. Whenever such access is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Director without delay.

''(2) 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 termination of an existing contractual relationship.

''(3) Whenever, in the judgment of the Director, an element of the intelligence community that is part of the National Intelligence Program has unreasonably refused or not provided information or assistance requested by the Inspector General under paragraph (1) or (3) of section 6(a), the Director shall so inform the head of the element, who shall promptly provide such information or assistance to the Inspector General.

''(4) The level of classification or compartmentalization of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under section 6(a).

''(f) In addition to the authorities and requirements in section 7 regarding the receipt of complaints by the Inspector General—

''(1) 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; and

''(2) 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.

''(g) In this section, the terms 'congressional intelligence committees', 'intelligence community', and 'National Intelligence Program' have the meanings given such terms in section 2 of the National Intelligence Reform Act of 2004.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—(1)(A) Section 8H(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is further amended—

(i) by redesignating subparagraph (C) as subparagraph (D); and

(ii) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) An employee of the National Intelligence Authority, 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.''.

(B) 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).

(2) The Inspector General Act of 1978 is further amended—

(A) in section 8K, as redesignated by subsection (b)(1) of this section, by striking ''8F or 8H'' and inserting ''8F, 8H, 8I, or 8J''; and

(B) in section 11—

(i) in paragraph (1), by inserting ''the National Intelligence Director;'' after ''the Attorney General;''; and

(ii) in paragraph (2), by inserting ''the National Intelligence Authority,'' after ''the National Aeronautics and Space Administration,''.

(d) SEPARATE BUDGET ACCOUNT.—The National Intelligence Director shall, in accordance with procedures to be issued by the Director in consultation with congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the National Intelligence Authority.

(e) SENSE OF CONGRESS ON ADOPTION OF STANDARDS OF REVIEW.—It is the sense of Congress that the Inspector General of the National Intelligence Authority, in consultation with other Inspectors General of the intelligence community and the President's Council on Integrity and Efficiency, should adopt standards for review and related precedent that are generally used by the intelligence community for reviewing whistleblower reprisal complaints made under sections 7 and 8J(f) of the Inspector General Act of 1978.

On page 203, strike lines 9 through 22.

On page 203, line 1, strike ''**312.**'' and insert ''**311.**''.

On page 210, between lines 22 and 23, insert the following:

**SEC. 336. NATIONAL INTELLIGENCE COUNCIL REPORT ON METHODOLOGIES UTILIZED FOR NATIONAL INTELLIGENCE ESTIMATES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the National Intelligence Council shall submit to Congress a report that includes the following:

(1) The methodologies utilized for the initiation, drafting, publication, coordination, and dissemination of the results of National Intelligence Estimates (NIEs).

(2) Such recommendations as the Council considers appropriate regarding improvements of the methodologies utilized for National Intelligence Estimates in order to ensure the timeliness of such Estimates and ensure that such Estimates address the national security and intelligence priorities and objectives of the President and the National Intelligence Director.

(b) FORM.—The report under subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

On page 210, line 23, strike ''**336.**'' and insert ''**337.**''.

On page 210, between lines 22 and 23, insert the following:

**SEC. 336. NATIONAL INTELLIGENCE DIRECTOR REPORT ON NATIONAL COUNTERTERRORISM CENTER.**

(a) REPORT.—Not later than one year after the date of the establishment of the National Counterterrorism Center under section 143, the NATIONAL INTELLIGENCE DIRECTOR shall submit to Congress a report evaluating the effectiveness of the Center in achieving its primary missions under subsection (d) of that section.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An assessment of the effectiveness of the National Counterterrorism Center in achieving its primary missions.

(2) An assessment of the effectiveness of the authorities of the Center in contributing to the achievement of its primary missions, including authorities relating to personnel and staffing, funding, information sharing, and technology.

(3) An assessment of the relationships between the Center and the other elements and components of the intelligence community.

(4) An assessment of the extent to which the Center provides an appropriate model for the establishment of national intelligence centers under section 144.

(c) FORM.—The report under subsection (a) shall be submitted in an unclassified form, but may include a classified annex.

On page 153, between lines 2 and 3, insert the following:

**SEC. 207. ALTERNATIVE ANALYSES OF INTELLIGENCE BY THE INTELLIGENCE COMMUNITY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the National Intelligence Director should consider the advisability of establishing for each element of the intelligence community an element, office, or component whose purpose is the alternative analysis (commonly referred to as a ''red-team analysis'') of the information and conclusions in the intelligence products of such element of the intelligence community.

(b) REPORT.—(1) 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 actions taken to establish for each element of the intelligence community an element, office, or component described in subsection (a).

(2) The report shall be submitted in an unclassified form, but may include a classified annex.

At the appropriate place, insert the following:

**SEC. ____. BIOMETRIC STANDARD FOR VISA APPLICATIONS.**

(a) SHORT TITLE.—This section may be cited as the ''Biometric Visa Standard Distant Borders Act''.

(b) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—Section 303(c) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732(c)) is amended to read as follows:

''(c) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—

''(1) IN GENERAL.—Not later than October 26, 2006, the Secretary of State shall certify to Congress which of the countries designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) are developing a program to issue to individuals seeking to enter that country pursuant to a visa issued by that country, a machine readable visa document that is tamper-resistant and incorporates biometric identification information that is verifiable at its port of entry.

''(2) SAVINGS CLAUSE.—This subsection shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)).''.

On page 121, line 13, strike ''and analysts'' and insert '', analysts, and related personnel''.

On page 121, line 17, strike ''and analysts'' and insert '', analysts, and related personnel''.

On page 121, line 19, strike ''and analysts'' and insert '', analysts, and related personnel''.

On page 123, beginning on line 8, strike '', in consultation with the Director of the Office of Management and Budget, modify the'' and insert ''establish a''.

On page 123, line 11, strike ''in order to organize the budget according to'' and insert ''to reflect''.

On page 5, beginning on line 15, strike ''and the Department of Energy'' and insert ''the Department of Energy, and the Coast Guard''.

On page 5, beginning on line 23, strike ''including the Office of Intelligence of the Coast Guard''.

On page 6, line 10, insert '', as determined consistent with any guidelines issued by the President,'' before ''to the interests''.

On page 9, beginning on line 13, strike ''counterterrorism'' and all that follows through ''foreign intelligence'' on line 15 and insert ''counterterrorism activities of the United States Government between intelligence activities located abroad and intelligence''.

On page 10, line 23, strike ''a principal'' and insert ''the principal''.

On page 12, line 18, insert ''of'' before ''the National Intelligence Program''.

On page 13, line 12, insert ''appropriations for'' after ''oversee''.

On page 20, beginning on line 12, strike ''related to the national security which is''.

On page 21, line 23, strike ''(4)'' and insert ''(5)''.

On page 22, line 3, strike ''(5)'' and insert ''(6)''.

On page 25, line 10, strike ''head of the''.

On page 28, line 17, strike ''or'' and insert ''and''.

On page 30, line 24, strike ''205'' and insert ''206''.

On page 31, line 23, strike ''205'' and insert ''206 and the Clinger–Cohen Act (divisions D and E of Public Law 104–106; 110 Stat. 642)''.

On page 32, beginning on line 13, strike ''on all matters'' and all that follows through line 15 and insert ''or international organizations on all matters involving intelligence related to the national security.''.

On page 32, beginning on line 21, strike ''head of each element of the intelligence community'' and insert ''head of any department, agency, or other element of the United States Government''.

On page 59, line 20, strike ''309'' and insert ''310''.

On page 87, line 8, insert ''and analytic'' after ''intelligence collection''.

On page 93, line 17, insert ''of'' before ''electronic access''.

On page 96, beginning on line 13, strike ''National Security Council'' and insert ''President''.

On page 99, line 25, strike ''National Security Council'' and insert ''President''.

On page 134, strike lines 6 through 9 and insert the following:

(1) in consultation with the Executive Council, issue guidelines—

(A) for acquiring, accessing, sharing, and using information, including

On page 153, between lines 2 and 3, insert the following:

**SEC. 207. PERMANENT AUTHORITY FOR PUBLIC INTEREST DECLASSIFICATION BOARD.**

(a) IN GENERAL.—Section 710 of the Public Interest Declassification Act of 2000 (title VII of Public Law 106–567; 50 U.S.C. 435 note) is amended—

(1) by striking ''(a) EFFECTIVE DATE.—''; and

(2) by striking subsection (b).

(b) CONFORMING AMENDMENT.—The head of such section is amended by striking ''**; SUNSET**''.

On page 154, line 16, strike ''section 205(g)'' and insert ''subsections (e) and (g) of section 205''.

On page 154, line 21, strike ''section 205(g)'' and insert ''subsections (e) and (g) of section 205''.

On page 156, line 4, strike ''section 205(g)'' and insert ''subsections (e) and (g) of section 205''.

On page 170, line 19, strike ''and independent'' and insert ''independent''.

On page 171, beginning on line 1, strike ''and independent'' and insert ''independent''.

On page 171, beginning on line 8, strike ''and independent'' and insert ''independent''.

On page 171, line 14, strike ''objective and independent'' and insert ''timely, objective, independent''.

On page 171, line 20, strike ''and independent'' and insert ''independent''.

On page 175, strike lines 8 through 17 and insert the following:

(2) COVERED INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), paragraph (1) applies to information, including classified information, that an employee reasonably believes provides direct and specific evidence of—

(i) a false or inaccurate statement to Congress contained in any intelligence assessment, report, or estimate; or

(ii) the withholding from Congress of any intelligence information material to any intelligence assessment, report, or estimate.

(B) EXCEPTION.—Paragraph (1) does not apply to information the disclosure of which is prohibited by rule 6(e) of the Federal Rules of Criminal Procedure.

On page 177, after line 17, add the following:

**Subtitle D—Homeland Security Civil Rights and Civil Liberties Protection**

**SEC. 231. SHORT TITLE.**

This title may be cited as the ''Homeland Security Civil Rights and Civil Liberties Protection Act of 2004''.

**SEC. 232. MISSION OF DEPARTMENT OF HOMELAND SECURITY.**

Section 101(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)(1)) is amended—

(1) in subparagraph (F), by striking ''and'' after the semicolon;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following:

''(G) ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland; and''.

**SEC. 233. OFFICER FOR CIVIL RIGHTS AND CIVIL LIBERTIES.**

Section 705(a) of the Homeland Security Act of 2002 (6 U.S.C. 345(a)) is amended—

(1) by amending the matter preceding paragraph (1) to read as follows:

''(a) IN GENERAL.—The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—'';

(2) by amending paragraph (1) to read as follows:

''(1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;'';

(3) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;

''(4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;

''(5) coordinate with the Privacy Officer to ensure that—

''(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

''(B) Congress receives appropriate reports regarding such programs, policies, and procedures; and

''(6) investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.''.

**SEC. 234. PROTECTION OF CIVIL RIGHTS AND CIVIL LIBERTIES BY OFFICE OF INSPECTOR GENERAL.**

Section 8I of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(f)(1) The Inspector General of the Department of Homeland Security shall designate a senior official within the Office of Inspector General, who shall be a career member of the civil service at the equivalent to the GS–15 level or a career member of the Senior Executive Service, to perform the functions described in paragraph (2).

''(2) The senior official designated under paragraph (1) shall—

''(A) coordinate the activities of the Office of Inspector General with respect to investigations of abuses of civil rights or civil liberties;

''(B) receive and review complaints and information from any source alleging abuses of civil rights and civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;

''(C) initiate investigations of alleged abuses of civil rights or civil liberties by employees or officials of the Department and employees or officials of independent contractors or grantees of the Department;

''(D) ensure that personnel within the Office of Inspector General receive sufficient training to conduct effective civil rights and civil liberties investigations;

''(E) consult with the Officer for Civil Rights and Civil Liberties regarding—

''(i) alleged abuses of civil rights or civil liberties; and

''(ii) any policy recommendations regarding civil rights and civil liberties that may be founded upon an investigation by the Office of Inspector General;

''(F) provide the Officer for Civil Rights and Civil Liberties with information regarding the outcome of investigations of alleged abuses of civil rights and civil liberties;

''(G) refer civil rights and civil liberties matters that the Inspector General decides not to investigate to the Officer for Civil Rights and Civil Liberties;

''(H) ensure that the Office of the Inspector General publicizes and provides convenient public access to information regarding—

''(i) the procedure to file complaints or comments concerning civil rights and civil liberties matters; and

''(ii) the status of corrective actions taken by the Department in response to Office of the Inspector General reports; and

''(I) inform the Officer for Civil Rights and Civil Liberties of any weaknesses, problems, and deficiencies within the Department relating to civil rights or civil liberties.''.

**SEC. 235. PRIVACY OFFICER.**

Section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) is amended—

(1) in the matter preceding paragraph (1), by inserting '', who shall report directly to the Secretary,'' after ''in the Department'';

(2) in paragraph (4), by striking ''and'' at the end;

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following:

''(5) coordinating with the Officer for Civil Rights and Civil Liberties to ensure that—

''(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and

''(B) Congress receives appropriate reports on such programs, policies, and procedures; and''.

On page 180, line 8, strike ''pertaining to intelligence relating to'' and insert ''related to intelligence affecting''.

On page 181, beginning on line 8, strike ''on all matters'' and all that follows through line 10 and insert ''or international organizations on all matters involving intelligence related to the national security.'.''.

On page 201, strike line 14 through 20 and insert the following:

(a) APPOINTMENT OF NATIONAL COUNTERINTELLIGENCE EXECUTIVE.—Section 902(a) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 116 Stat. 2432; 50 U.S.C. 402b) is amended—

(1) by striking ''President'' and inserting ''National Intelligence Director''; and

(2) by striking ''Director of Central Intelligence'' and inserting ''Director of the Central Intelligence Agency''.

On page 205, line 1, strike ''**COUNTERTERRORISM**'' and insert ''**COUNTERINTELLIGENCE**''.

On page 207, between lines 13 and 14, insert the following:

''The Director of the Central Intelligence Agency.

On page 207, line 21, insert ''Deputy'' before ''Director''.

At the appropriate place, insert the following:

**SEC. ____. COMMUNICATIONS INTEROPERABILITY.**

(a) DEFINITION.—As used in this section, the term ''equipment interoperability'' means the devices that support the ability of public safety service and support providers to talk with each other via voice and data on demand, in real time, when needed, and when authorized.

(b) NATIONAL GUIDELINES FOR EQUIPMENT INTEROPERABILITY.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the Federal Communications Commission and the National Telecommunications and Information Administration, and other appropriate representatives of Federal, Sate, and local government and first responders, shall adopt, by regulation, national goals and guidelined for equipment interoperability and related issues that—

(1) set short-term, mid-term, and long-term means and minimum equipment performance guidelines for Federal agencies, Sates, and local governments;

(2) recognize—

(A) the value, life cycle, and technical capabilities of existing communications infrastructure;

(B) the need for cross-border interoperability between States and nations;

(C) the unique needs of small, rural communities; and

(D) the interoperability needs for daily operations and catastrophic events.

(c) NATIONAL EQUIPMENT INTEROPERABILITY IMPLEMENTATION PLAN.—

(1) DEVELOPMENT.—Not later than 180 days of the completion of the development of goals and guidelines under subsection (b), the Secretary of Homeland Security shall develop an implementation plan that—

(A) outlines the responsibilities of the Department of Homeland Security; and

(B) focuses on providing technical and financial assistance to States and local governments for interoperability planning and implementation.

(2) EXECUTION.—The Secretary shall execute the plan developed under this subsection as soon as practicable.

(3) REPORTS.—

(A) Initial Report.—Upon the completion of the plan under subsection (c), the Secretary shall submit a report that describes such plan to—

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

(ii) the Committee on Environment and Public Works of the Senate;

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

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

(v) the Committee on Energy and Commerce of the House of Representatives.

(B) ANNUAL REPORT.—Not later than 1 year after the submission of the report under subparagraph (A), and annually thereafter, the Secretary shall submit a report to the committees referred to in subparagraph (A) that describes the progress made in implementing the plan developed under this subsection.

(d) INTERNATIONAL INTEROPERABILITY.—Not later than 1 year after the date of enactment of this Act, the President shall establish a mechanism for coordinating cross-border interoperability issues between—

(1) the United States and Canada; and

(2) the United States and Mexico.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2005 through 2009—

(1) such sums as may be necessary to carry out subsection (c);

(2) such sums as may be necessary to carry out subsection (c); and

(3) such sums as may be necessary to carry out subsection (d).

On page 44, strike line 24.

On page 45, line 1, strike ''(6)'' and insert ''(5)''.

On page 45, line 3, strike ''(7)'' and insert ''(6)''.

On page 45, line 5, strike ''(8)'' and insert ''(7)''.

On page 45, line 7, strike ''(9)'' and insert ''(8)''.

On page 45, line 9, strike ''(10)'' and insert ''(9)''.

On page 45, line 11, strike ''(11)'' and insert ''(10)''.

On page 45, line 14, strike ''(12)'' and insert ''(11)''.

On page 52, strike lines 1 through 20.

On page 52, line 21, strike ''**126.**'' and insert ''**125.**''.

On page 55, line 1, strike ''**127.**'' and insert ''**126.**''.

On page 56, line 9, strike ''**128.**'' and insert ''**127.**''.

On page 57, line 1, strike ''**129.**'' and insert ''**128.**''.

On page 57, line 17, strike ''**130.**'' and insert ''**129.**''.

On page 58, strike lines 3 through 9 and insert the following:

(c) AUTHORITIES AND FUNCTIONS.—The Chief Financial Officer of the National Intelligence Authority shall—

(1) 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;

(2) 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;

(3) 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;

(4) provide unfettered access to the Director to financial information under the National Intelligence Program; and

(5) perform such other duties as may be prescribed by the Director or specified by law.

On page 59, line 15, strike ''**131.**'' and insert ''**130.**''.

On page 202, line 16, strike ''131(b)'' and insert ''130(b)''.

On page 19, line 12, insert ''of access'' after ''grant''.

On page 20, line 25, insert ''of'' after ''development''.

On page 53, line 2 strike ''President'' and insert ''National Intelligence Director''.

On page 173, line 11, strike ''2'' and insert ''3''.

At the appropriate place, insert the following:

**SEC. ———. DEADLINE FOR COMPLETION OF CERTAIN PLANS, REPORTS, AND ASSESSMENTS.**

(a) STRATEGIC PLAN REPORTS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit to the Congress—

(1) a report on the status of the National Maritime Transportation Security Plan required by section 70103(a) of title 46, United States Code, which may be submitted in classified and redacted format;

(2) a comprehensive program management plan that identifies specific tasks to be completed and deadlines for completion for the transportation security card program under section 70105 of title 46, United States Code that incorporates best practices for communicating, coordinating, and collaborating with the relevant stakeholders to resolve relevant issues, such as background checks;

(3) a report on the status of negotiations under section 103 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70111 note);

(4) the report required by section 107(b) of the Maritime Transportation Security Act of 2002 (33 U.S.C. 1226 note); and

(5) a report on the status of the development of the system and program mandated by section 111 of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70116 note).

(b) OTHER REPORTS.—Within 90 days after the date of enactment of this Act—

(1) the Secretary of Homeland Security shall transmit to the Congress—

(A) a report on the establishment of the National Maritime Security Advisory Committee appointed under section 70112 of title 46, United States Code; and

(B) a report on the status of the program established under section 70116 of title 46, United States Code, to evaluate and certify secure systems of international intermodal transportation;

(2) the Secretary of Transportation shall transmit to the Congress the annual report required by section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) that includes information that

should have been included in the last preceding annual report that was due under that section; and

(3) the Commandant of the United States Coast Guard shall transmit to Congress the report required by section 110(b) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note).

(d) EFFECTIVE DATE.—Notwithstanding any other provision of this Act, this section takes effect on the date of enactment of this Act.

At the appropriate place, insert the following:

**SEC. ———. TSA FIELD OFFICE INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS REPORT.**

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to the Congress, which may be transmitted in classified and redacted formats, setting forth—

(1) a descriptive list of each administrative and airport site of the Transportation Security Administration, including its location, staffing, and facilities;

(2) an analysis of the information technology and telecommunications capabilities, equipment, and support available at each such site, including—

(A) whether the site has access to broadband telecommunications;

(B) whether the site has the ability to access Transportation Security Administration databases directly;

(C) the means available to the site for communicating and sharing information and other data on a real time basis with the Transportation Security Administration's national, regional, and State offices as well as with other Transportation Security Administration sites;

(D) the means available to the site for communicating with other Federal, State, and local government sites with transportation security related responsibilities; and

(E) whether and to what extent computers in the site are linked through a local area network or otherwise, and whether the information technology resources available to the site are adequate to enable it to carry out its functions and purposes; and

(3) an assessment of current and future needs of the Transportation Security Administration to provide adequate information technology and telecommunications facilities, equipment, and support to its sites, and an estimate of the costs of meeting those needs.

At the appropriate place, insert the following:

**TITLE —AVIATION SECURITY**

**SEC. —01. IMPROVED PILOT LICENSES.**

(a) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Federal Aviation Administrator may develop a system for the issuance of any pilot's license issued more than 180 days after the date of enactment of this Act that—

(1) are resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued; and

(3) are capable of accommodating a digital photograph, a biometric measure, or other unique identifier that provides a means of—

(A) ensuring its validity; and

(B) revealing whether any component or security feature of the license has been compromised.

(b) USE OF DESIGNEES.—The Administrator of the Federal Aviation Administration may use designees to carry out subsection (a) to the extent feasible in order to minimize the burden of such requirements on pilots.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal year 2005, $50,000,000 to carry out subsection (a).

**SEC. —02. AIRCRAFT CHARTER CUSTOMER PRESCREENING.**

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, or as soon as practicable thereafter, the Secretary of Homeland Security shall establish a process by which operators of charter aircraft with a maximum takeoff weight of greater than 12,500 pounds may—

(1) request the Transportation Security Administration to compare information about any individual seeking to charter an aircraft, and any passengers proposed to be transported aboard the aircraft, with a comprehensive, consolidated database or watchlist containing information about known or suspected terrorists and their associates; and

(2) refuse to charter an aircraft to or transport aboard such aircraft any persons identified on such database or watchlist.

(b) PRIVACY SAFEGUARDS.—The Secretary shall take appropriate measures to ensure that—

(1) the Transportation Security Administration does not disclose information to any person engaged in the business of chartering aircraft other than whether an individual compared against government watchlists constitutes a flight security or terrorism risk; and

(2) an individual denied access to an aircraft is given an opportunity to consult the Transportation Security Administration for the purpose of correcting mis-identification errors, resolve confusion resulting from names that are the same as or similar to names on available government watchlists, and address other information that is alleged to be erroneous, that may have resulted in the denial.

(c) TRANSFER.—The Secretary shall assess procedures to transfer responsibility for conducting reviews of any appropriate government watchlists under this section from persons engaged in the business of chartering air carriers to the public to the Secretary.

(d) AUTHORITY OF THE SECRETARY.—Nothing in this section precludes the Secretary from requiring operators of charter aircraft to comply with security procedures, including those established under subsection (a), if the Secretary determines that such a requirement is necessary based on threat conditions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

**SEC. —03. AIRCRAFT RENTAL CUSTOMER PRESCREENING.**

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, or as soon as practicable thereafter, the Secretary of Homeland Security shall establish a process by which operators of rental aircraft with a maximum takeoff weight of greater than 12,500 pounds may—

(1) request the Transportation Security Administration to compare information about any individual seeking to rent an aircraft, and any passengers proposed to be transported aboard the aircraft, with a comprehensive, consolidated database or watchlist containing information about known or suspected terrorists and their associates; and

(2) refuse to rent an aircraft to or transport aboard such aircraft any persons identified on such database or watchlist.

(b) PRIVACY SAFEGUARDS.—The Secretary shall take appropriate measures to ensure that—

(1) the Transportation Security Administration does not disclose information to any person engaged in the business of renting aircraft other than whether an individual compared against government watchlists constitutes a flight security or terrorism risk; and

(2) an individual denied access to an aircraft is given an opportunity to consult the Transportation Security Administration for the purpose of correcting mis-identification errors, resolve confusion resulting from names that are the same as or similar to names on available government watchlists, and address other information that is alleged to be erroneous, that may have resulted in the denial.

(c) TRANSFER.—The Secretary shall assess procedures to transfer responsibility for conducting reviews of any appropriate government watchlists under this section from persons engaged in the business of renting aircraft to the public to the Secretary.

(d) AUTHORITY OF THE SECRETARY.—Nothing in this section precludes the Secretary from requiring operators of rental aircraft to comply with security procedures, including those established under subsection (a), if the Secretary determines that such a requirement is necessary based on threat conditions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

**SEC. —04. REPORT ON RENTAL AND CHARTER CUSTOMER PRESCREENING PROCEDURES.**

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary of Homeland Security shall transmit a report to Congress on the feasibility of extending the requirements of section —02, section —03, or both sections to apply to aircraft with a maximum certificated takeoff weight of 12,500 pounds or less.

(b) ISSUES ADDRESSED.—The report shall—

(1) examine the technology and communications systems needed to carry out such procedures;

(2) provide an analysis of the risks posed by such aircraft; and

(3) examine the operational impact of proposed procedures on the commercial viability of that segment of charter and rental aviation operations.

**SEC. —05. AVIATION SECURITY STAFFING.**

(a) STAFFING LEVEL STANDARDS.—

(1) DEVELOPMENT OF STANDARDS.—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation and Federal Security Directors, shall develop standards for determining the appropriate aviation security staffing standards for all commercial airports in the United States necessary—

(A) to provide necessary levels of aviation security; and

(B) to ensure that the average aviation security-related delay experienced by airline passengers is minimized.

(2) GAO ANALYSIS.—The Comptroller General shall, as soon as practicable after the date on which the Secretary of Homeland Security has developed standards under paragraph (1), conduct an expedited analysis of the standards for effectiveness, administrability, ease of compliance, and consistency with the requirements of existing law.

(3) REPORT TO CONGRESS.—Within 120 days after the date of enactment of this Act, the Secretary of Homeland Security and the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the standards

developed under paragraph (1), together with recommendations for further improving the efficiency and effectiveness of the screening process, including the use of maximum time delay goals of no more than 10 minutes on the average.

(b) INTEGRATION OF FEDERAL AIRPORT WORKFORCE AND AVIATION SECURITY.—The Secretary of Homeland Security shall conduct a study of the feasibility of combining operations of Federal employees involved in screening at commercial airports and aviation security related functions under the aegis of the Department of Homeland Security in order to coordinate security-related activities, increase the efficiency and effectiveness of those activities, and increase commercial air transportation security.

**SEC. —06. IMPROVED AIR CARGO AND AIRPORT SECURITY.**

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration, in addition to any amounts otherwise authorized by law, for the purpose of improving aviation security related to the transportation of cargo on both passenger aircraft and all-cargo aircraft—

(1) $200,000,000 for fiscal year 2005;

(2) $200,000,000 for fiscal year 2006; and

(3) $200,000,000 for fiscal year 2007.

(b) NEXT-GENERATION CARGO SECURITY GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out a grant program to facilitate the development, testing, purchase, and deployment of next-generation air cargo security technology. The Secretary shall establish such eligibility criteria, establish such application and administrative procedures, and provide for such matching funding requirements, if any, as may be necessary and appropriate to ensure that the technology is deployed as fully and as rapidly as practicable.

(2) RESEARCH AND DEVELOPMENT; DEPLOYMENT.—To carry out paragraph (1), there are authorized to be appropriated to the Secretary for research and development related to next-generation air cargo security technology as well as for deployment and installation of next-generation air cargo security technology, such sums are to remain available until expended—

(A) $100,000,000 for fiscal year 2005;

(B) $100,000,000 for fiscal year 2006; and

(C) $100,000,000 for fiscal year 2007.

(c) AUTHORIZATION FOR EXPIRING AND NEW LOIS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $150,000,000 for each of fiscal years 2005 through 2007 to fund projects and activities for which letters of intent are issued under section 44923 of title 49, United States Code, after the date of enactment of this Act.

(2) PERIOD OF REIMBURSEMENT.—Notwithstanding any other provision of law, the Secretary may provide that the period of reimbursement under any letter of intent may extend for a period not to exceed 10 years after the date that the Secretary issues such letter, subject to the availability of appropriations. This paragraph applies to letters of intent issued under section 44923 of title 49, United States Code, or section 367 of the Department of Transportation and Related Agencies Appropriation Act, 2003 (49 U.S.C. 47110 note).

(d) REPORTS.—The Secretary shall transmit an annual report for fiscal year 2005, fiscal year 2006, and fiscal year 2007 to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on—

(1) the progress being made toward, and the status of, deployment and installation of next-generation air cargo security technology under subsection (b); and

(2) the amount and purpose of grants under subsection (b) and the locations of projects funded by such grants.

**SEC. —07. AIR CARGO SECURITY MEASURES.**

(a) ENHANCEMENT OF AIR CARGO SECURITY.—The Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall develop and implement a plan to enhance air cargo security at airports for commercial passenger and cargo aircraft that incorporates the recommendations made by the Cargo Security Working Group of the Aviation Security Advisory Committee.

(b) SUPPLY CHAIN SECURITY.—The Administrator of the Transportation Security Administration shall—

(1) promulgate regulations requiring the evaluation of indirect air carriers and ground handling agents, including background checks and checks against all Administration watch lists; and

(2) evaluate the potential efficacy of increased use of canine detection teams to inspect air cargo on passenger and all-cargo aircraft, including targeted inspections of high risk items.

(c) INCREASED CARGO INSPECTIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall require that the percentage of cargo screened or inspected is at least two-fold the percentage that is screened or inspected as of September 30, 2004.

(c) ALL-CARGO AIRCRAFT SECURITY.—Subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

**"§ 44925. All-cargo aircraft security**

''(a) ACCESS TO FLIGHT DECK.—Within 180 days after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall—

''(1) issue an order (without regard to the provisions of chapter 5 of title 5)—

''(A) requiring, to the extent consistent with engineering and safety standards, that all-cargo aircraft operators engaged in air transportation or intrastate air transportation maintain a barrier, which may include the use of a hardened cockpit door, between the aircraft flight deck and the aircraft cargo compartment sufficient to prevent unauthorized access to the flight deck from the cargo compartment, in accordance with the terms of a plan presented to and accepted by the Administrator of the Transportation Security Administration in consultation with the Federal Aviation Administrator; and

''(B) prohibiting the possession of a key to a flight deck door by any member of the flight crew who is not assigned to the flight deck; and

''(2) take such other action, including modification of safety and security procedures and flight deck redesign, as may be necessary to ensure the safety and security of the flight deck.

''(b) SCREENING AND OTHER MEASURES.—Within 1 year after the date of enactment of this Act, the Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, shall issue an order (without regard to the provisions of chapter 5 of title 5) requiring—

''(1) all-cargo aircraft operators engaged in air transportation or intrastate air transportation to physically screen each person, and that person's baggage and personal effects, to be transported on an all-cargo aircraft engaged in air transportation or intrastate air transportation;

''(2) each such aircraft to be physically searched before the first leg of the first flight of the aircraft each day, or, for inbound international operations, at aircraft operator's option prior to the departure of any such flight for a point in the United States; and

''(3) each such aircraft that is unattended overnight to be secured or sealed or to have access stairs, if any, removed from the aircraft.

''(c) ALTERNATIVE MEASURES.—The Administrator of the Transportation Security Administration, in coordination with the Federal Aviation Administrator, may authorize alternative means of compliance with any requirement imposed under this section.''.

(d) CONFORMING AMENDMENT.—The subchapter analysis for subchapter I of chapter 449, United States Code, is amended by adding at the end the following:

''44925. All-cargo aircraft security.''.

**SEC. —08. EXPLOSIVE DETECTION SYSTEMS.**

(a) IN-LINE PLACEMENT OF EXPLOSIVE-DETECTION EQUIPMENT.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish a schedule for replacing trace-detection equipment used for in-line baggage screening purposes as soon as practicable where appropriate with explosive detection system equipment. The Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of the schedule and provide an estimate of the impact of replacing such equipment, facility modification and baggage conveyor placement, on aviation security-related staffing needs and levels.

(b) NEXT GENERATION EDS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000, in addition to any amounts otherwise authorized by law, for the purpose of research and development of next generation explosive detection systems for aviation security under section 44913 of title 49, United States Code. The Secretary shall develop a plan and guidelines for implementing improved explosive detection system equipment.

(c) PORTAL DETECTION SYSTEMS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $250,000,000, in addition to any amounts otherwise authorized by law, for research and development and installation of portal detection systems or similar devices for the detection of biological, radiological, and explosive materials. The Secretary of Homeland Security shall establish a pilot program at not more than 10 commercial service airports to evaluate the use of such systems.

(d) REPORTS.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on research and development projects funded under subsection (b) or (c), and the pilot program established under subsection (c), including cost estimates for each phase of such projects and total project costs.

**SEC. —09. AIR MARSHAL PROGRAM.**

(a) CROSS-TRAINING.—The Secretary of Homeland Security shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the potential for cross-training of individuals who serve as air marshals and on the need for providing contingency funding for air marshal operations.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of Inspections and Customs Enforcement, in addition to any amounts otherwise authorized by law, for the deployment of Federal Air Marshals under section 44917 of title 49, United States Code, $83,000,000 for the 3 fiscal year period beginning with fiscal year 2005, such sums to remain available until expended.

**SEC. —10. TSA-RELATED BAGGAGE CLAIM ISSUES STUDY.**

Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the present system for addressing lost, stolen, damaged, or pilfered baggage claims relating to air transportation security screening procedures. The report shall include—

(1) information concerning the time it takes to settle such claims under the present system;

(2) a comparison and analysis of the number, frequency, and nature of such claims before and after enactment of the Aviation and Transportation Security Act using data provided by the major United States airlines; and

(3) recommendations on how to improve the involvement and participation of the airlines in the baggage screening and handling processes and better coordinate the activities of Federal baggage screeners with airline operations.

**SEC. —11. REPORT ON IMPLEMENTATION OF GAO HOMELAND SECURITY INFORMATION SHARING RECOMMENDATIONS.**

Within 30 days after the date of enactment of this Act, the Secretary of Homeland Security, after consultation with the heads of Federal departments and agencies concerned, shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on implementation of recommendations contained in the General Accounting Office's report titled ''Homeland Security: Efforts To Improve Information Sharing Need To Be Strengthened'' (GAO–03–760), August, 2003.

**SEC. —12. AVIATION SECURITY RESEARCH AND DEVELOPMENT.**

(a) BIOMETRICS.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000, in addition to any amounts otherwise authorized by law, for research and development of biometric technology applications to aviation security.

(b) BIOMETRICS CENTERS OF EXCELLENCE.—There are authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $1,000,000, in addition to any amounts otherwise authorized by law, for the establishment of competitive centers of excellence at the national laboratories.

**SEC. —13. PERIMETER ACCESS TECHNOLOGY.**

There are authorized to be appropriated to the Secretary of Homeland Security $100,000,000 for airport perimeter security technology, fencing, security contracts, vehicle tagging, and other perimeter security related operations, facilities, and equipment, such sums to remain available until expended.

**SEC. —14. BEREAVEMENT FARES.**

(a) IN GENERAL.—Chapter 415 of title 49, United States Code, is amended by adding at the end the following:

**''§ 41512. Bereavement fares**

''Air carriers shall offer, with appropriate documentation, bereavement fares to the public for air transportation in connection with the death of a relative or other relationship (as determined by the air carrier) and shall make such fares available, to the greatest extent practicable, at the lowest fare offered by the air carrier for the flight for which the bereavement fare is requested.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 415 is amended by inserting after the item relating to section 41511 the following:

''41512. Bereavement fares''.

**SEC. —15. REVIEW AND REVISION OF PROHIBITED ITEMS LIST.**

Not later than 60 days after the date of enactment of this Act, the Transportation Security Administration shall complete a review of its Prohibited Items List, set forth in 49 C.F.R. 1540, and release a revised list that—

(1) prohibits passengers from carrying butane lighters onboard passenger aircraft; and

(2) modifies the Prohibited Items List in such other ways as the agency may deem appropriate.

**SEC. —16. REPORT ON PROTECTING COMMERCIAL AIRCRAFT FROM THE THREAT OF MAN-PORTABLE AIR DEFENSE SYSTEMS.**

(a) REQUIREMENT.—The Secretary of Homeland Security, in coordination with the head of the Transportation Security Administration and the Under Secretary for Science and Technology, shall prepare a report on protecting commercial aircraft from the threat of man-portable air defense systems (referred to in this section as ''MANPADS'').

(b) CONTENT.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of organizations, including terrorist organizations, that have access to MANPADS and a description of the risk posed by each organization.

(2) A description of the programs carried out by the Secretary of Homeland Security to protect commercial aircraft from the threat posed by MANPADS.

(3) An assessment of the effectiveness and feasibility of the systems to protect commercial aircraft under consideration by the Under Secretary for Science and Technology for use in phase II of the counter-MANPADS development and demonstration program.

(4) A justification for the schedule of the implementation of phase II of the counter-MANPADS development and demonstration program.

(5) An assessment of the effectiveness of other technology that could be employed on commercial aircraft to address the threat posed by MANPADS, including such technology that is—

(A) either active or passive;

(B) employed by the Armed Forces; or

(C) being assessed or employed by other countries.

(6) An assessment of alternate technological approaches to address such threat, including ground-based systems.

(7) A discussion of issues related to any contractor liability associated with the installation or use of technology or systems on commercial aircraft to address such threat.

(8) A description of the strategies that the Secretary may employ to acquire any technology or systems selected for use on commercial aircraft at the conclusion of phase II of the counter-MANPADS development and demonstration program, including—

(A) a schedule for purchasing and installing such technology or systems on commercial aircraft; and

(B) a description of—

(i) the priority in which commercial aircraft will be equipped with such technology or systems;

(ii) any efforts to coordinate the schedules for installing such technology or system with private airlines;

(iii) any efforts to ensure that aircraft manufacturers integrate such technology or systems into new aircraft; and

(iv) the cost to operate and support such technology or systems on a commercial aircraft.

(9) A description of the plan to expedite the use of technology or systems on commercial aircraft to address the threat posed by MANPADS if intelligence or events indicate that the schedule for the use of such technology or systems, including the schedule for carrying out development and demonstration programs by the Secretary, should be expedited.

(10) A description of the efforts of the Secretary to survey and identify the areas at domestic and foreign airports where commercial aircraft are most vulnerable to attack by MANPADS.

(11) A description of the cooperation between the Secretary and the Administrator of the Federal Aviation Administration to certify the airworthiness and safety of technology and systems to protect commercial aircraft from the risk posed by MANPADS in an expeditious manner.

(c) TRANSMISSION TO CONGRESS.—The report required by subsection (a) shall be transmitted to Congress along with the budget for fiscal year 2006 submitted by the President pursuant to section 1105(a) of title 31, United States Code.

**SEC. —17. SCREENING DEVICES TO DETECT CHEMICAL AND PLASTIC EXPLOSIVES.**

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide to the Senate Committee on Commerce, Science, and Transportation a report on the current status of efforts, and the additional needs, regarding passenger and carry-on baggage screening equipment at United States airports to detect explosives, including in chemical and plastic forms. The report shall include the cost of and timetable for installing such equipment and any recommended legislative actions.

**SEC. —18. REPORTS ON THE FEDERAL AIR MARSHALS PROGRAM.**

Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Secretary of Homeland Security shall provide to the Senate Committee on Commerce, Science, and Transportation a classified report on the number of individuals serving only as sworn Federal air marshals. Such report shall include the number of Federal air marshals who are women, minorities, or employees of departments or agencies of the United States Government other than the Department of Homeland Security, the percentage of domestic and international flights that have a Federal air marshal aboard, and the rate at which individuals are leaving service as Federal air marshals.

**SEC. —19. SECURITY OF AIR MARSHAL IDENTITY.**

(a) IN GENERAL.—The Secretary of the Department of Homeland Security shall designate individuals and parties to whom Federal air marshals shall be required to identify themselves.

(b) PROHIBITION.—Notwithstanding any other provision of law, no procedure, guideline, rule, regulation, or other policy shall expose the identity of an air marshal to anyone other than those designated by the Secretary under subsection (a).

**SEC. —20. SECURITY MONITORING CAMERAS FOR AIRPORT BAGGAGE HANDLING AREAS.**

(a) IN GENERAL.—The Under Secretary of Homeland Security for Border Transportation and Security shall provide assistance, subject to the availability of funds, to public airports that have baggage handling areas that are not open to public view in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security for fiscal year 2005 such sums as may be necessary to carry out this section, such sums to remain available until expended.

**SEC. —21. EFFECTIVE DATE.**

Notwithstanding any other provision of this act, this title takes effect on the date of enactment of this Act.

At the end, add the following:

**TITLE —PUBLIC SAFETY SPECTRUM**

**SEC. —01. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This title may be cited as the ''Spectrum Availability for Emergency-Response and Law-Enforcement To Improve Vital Emergency Services Act'' or the ''SAVE LIVES Act''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. —01, Short title; table of contents.
Sec. —02. Findings.
Sec. —03. Setting a specific date for the availability of spectrum for public safety organizations and creating a deadline for the transition to digital television.
Sec. —04. Studies of communications capabilities and needs.
Sec. —05. Statutory, authority for the Department of Homeland Security's ''SAFECOM'' program.
Sec. —06. Grant program to provide enhanced interoperability of communications for first responders.
Sec. —07. Digital transition public safety conununications grant and consumer assistance fund.
Sec. —08. Digital transition program.
Sec. —09. FCC authority to require label requirement for analog television sets.
Sec. —10. Report on consumer education program requirements.
Sec. —11. FCC to issue decision in certain proceedings.
Sec. —12. Definitions.
Sec. —13. Effective date.

**SEC. —02. FINDINGS.**

The Congress finds the following:

(1) In its final report, the 9–11 Commission advocated that Congress pass legislation providing for the expedited and increased assignment of radio spectrum for public safety purposes. The 9–11 Commission stated that this spectrum was necessary to improve communications between local, State and Federal public safety organizations and public safety organizations operating in neighboring jurisdictions that, may respond to an emergency in unison.

(2) Specifically, the 9–11 Commission report stated ''The inability to communicate was a critical element at the World Trade Center, Pentagon and Somerset County, Pennsylvania, crash sites, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that, compatible and adequate communications among public safety organizations at the local, State, and Federal levels remains an important problem.''.

(3) In the Balanced Budget Act of 1997, the Congress directed the FCC to allocate spectrum currently being used by television broadcasters to public safety agencies to use for emergency communications. This spectrum has specific characteristics that make it an outstanding choice for emergency communications because signals sent over these frequencies are able to penetrate walls and travel great distances, and can assist multiple jurisdictions in deploying interoperable communications systems.

(4) This spectrum will not be fully available to public safety agencies until the completion of the digital television transition. The need for this spectrum is greater than ever. The nation cannot risk further loss of life due to public safety agencies' first, responders' inability to communicate effectively in the event of another terrorist act or other crisis, such as a hurricane, tornado, flood, or earthquake.

(5) In the Balanced Budget Act of 1997, Congress set a date of December 31, 2006, for the termination of the digital television transition. Under current, law, however, the deadline will be extended if fewer than 85 percent of the television households in a market are able to continue receiving local television broadcast signals.

(6) Federal Communications Commission Chairman Michael K. Powell testified at a hearing before the Senate Commerce, Science, and Transportation Committee on September 8, 2004, that, absent government action, this extension may allow the digital television transition to continue for ''decades'' or ''multiples of decades''.

(7) The Nation's public safety and welfare cannot be put, off for ''decades'' or ''multiples of decades''. The Federal government should ensure that this spectrum is available for use by public safety organizations by January 1, 2009.

(8) Any plan to end the digital television transition would be incomplete if it did not ensure that consumers would be able to continue to enjoy over-the-air broadcast television with minimal disruption. If broadcasters air only a digital signal, some consumers may be unable to view digital transmissions using their analog-only television set. Local broad-casters are truly an important part of our homeland security and often an important communications vehicle in the event of a national emergency. Therefore, consumers who rely on over-the-air television, particularly those of limited economic means, should be assisted.

(9) The New America Foundation has testified before Congress that the cost to assist these 17.4 million exclusively over-the-air households to continue to view television is less than $1 billion dollars for equipment, which equates to roughly 3 percent of the Federal revenue likely from the auction of the analog television spectrum.

(10) Specifically, the New America Foundation as estimated that the Federal Government's auction of this spectrum could yield $30-to-$40 billion in revenue to the Treasury. Chairman Powell stated at the September 8, 2004, hearing that ''estimates of the value of that spectrum run anywhere from $30 billion to $70 billion''.

(11) Additionally, there will be societal benefits with the return of the analog broadcast spectrum. Former FCC Chairman Reed F. Hundt, at an April 28, 2004, hearing before the Senate Commerce, Science, and Transportation Committee, testified that this spectrum ''should be the fit and proper home of wireless broadband''. Mr. Hundt continued, ''Quite literally, [with this spectrum] the more millions of people in rural America, will be able to afford Big Broadband Internet access, the more hundreds of millions of people in the world will be able to afford joining the Internet community.''.

(12) Due to the benefits that would flow to the Nation's citizens from the Federal Government reclaiming this analog television spectrum—including the safety of our Nation's first responders and those protected by first responders, additional revenues to the Federal treasury, millions of new jobs in the telecommunications sector of the economy, and increased wireless broadband availability to our Nation's rural citizens—Congress finds it necessary to set January l, 2009, as a firm date for the return of this analog television spectrum.

**SEC. —03. SETTING A SPECIFIC DATE FOR THE AVAILABILITY OF SPECTRUM FOR PUBLIC SAFETY ORGANIZATIONS AND CREATING A DEADLINE FOR THE TRANSITION TO DIGITAL TELEVISION.**

(a) IN GENERAL.—Section 3090(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) ACCELERATION OF DEADLINE FOR PUBLIC SAFETY USE.—

''(i) Notwithstanding subparagraph (A) and (B), the Commission shall take all action necessary to complete by December 31, 2007—

''(I) the return of television station licenses operating on channels between 764 and 776 megaHertz and between 794 and 806 megaHertz; and

''(II) assignment of the electro-magnetic spectrum between 764 and 776 megahertz, and between 794 and 806 megahertz, for public safety services.

''(ii) Notwithstanding subparagraph (A) and (B), the Commission shall have the authority to modify, reassign, or require the return of, the television station licenses assigned to frequencies between 758 and 764 megahertz, 776 and 782 megahertz, and 788 and 794 megahertz as necessary to permit operations by public safety services on frequencies between 764 and 776 megahertz and between 794 and 806 megahertz, after the date of enactment of this section, but such modifications, reassignments, or returns may not take effect until after December 31, 2007.''.

(b) The FCC may waive the requirements of sections (i) and (ii) and such other rules as necessary:

(A) in the absence of a bona fide request from relevant first responders in the affected designated market area, and;

(B) to the extent necessary to avoid consumer disruption but only if all relevant public safety entities are able to use such frequencies free of interference by December 31, 2004 or are otherwise able to resolve interference issues with relevant broadcast licensee by mutual agreement.''

**SEC. —04. STUDIES OF COMMUNICATIONS CAPABILITIES AND NEEDS.**

(a) IN GENERAL.—The Commission, in consultation with the Secretary of Homeland Security, shall conduct a study to assess strategies that may be used to meet public safety communications needs, including—

(1) the short-term and long-term need for additional spectrum allocation for Federal, State, and local first responders, including an additional allocation of spectrum in the 700 megaHertz band;

(2) the need for a nationwide interoperable broadband mobile communications network;

(3) the ability of public safety entities to utilize wireless broadband applications; and

(4) the communications capabilities of first receivers such as hospitals and health care workers, and current, efforts to promote communications co ordination and training among the first responders and the first receivers.

(b) REALLOCATION STUDY.—The Commission shall conduct a study to assess the advisability of reallocating my amount of spectrum in the 700 megaHertz band for inlieensed broadband uses. In the study, the Commission shall consider all other possible

users of this spectrum, including public safety.

(c) REPORT.—The Commission shall report the results of the studies, together with any recommendations may have, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce within 1 year after the date of enactment of this Act.

**SEC. —05. STATUTORY AUTHORITY FOR THE DEPARTMENT OF HOMELAND SECURITY'S "SAFECOM" PROGRAM.**

Section 302 of the Homeland Security Act of 2002 (6 U.S.C. 182) is amended—

(1) by inserting ''(a.) IN GENERAL.-'' before ''The''; and

(2) by adding at the end the following:

''(b) SAFECOM AUTHORIZED.—

''(1) IN GENERAL.—In carrying out subsection (a), the Under Secretary shall establish a program to address the interoperability of communications devices used by Federal, State, tribal, and local first responders, to be known as the Wireless Public Safety Interoperability Communications Program, or 'SAFECOM'. The Under Secretary shall coordinate the program with the Director of the Department of Justice's Office of Science and Technology and all other Federal programs engaging in communications interoperability research, development, and funding activities to ensure that the program takes into account, and does not duplicate, those programs or activities.

''(2) COMPONENTS.—The program established under paragraph (1) shall be designed—

''(A) to provide research on the development of a communications system architecture that would ensure the interoperability of communications devices among Federal, State, tribal, and local officials that would enhance the potential for a coordinated response to a national emergency;

''(B) to support the completion and promote the adoption of mutually compatible voluntary consensus standards developed by a standards development organization accredited by the American National Standards Institute to ensure such interoperability; and

''(C) to provide for the development of a model strategic plan that could be used by any State or region in developing its communications interoperability plan.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection—

''(A) $22,105,000 for fiscal year 2005;

''(B) $22,768,000 for fiscal year 2006;

''(C) $23,451,000 for fiscal year 2007;

''(D) $24,155,000 for fiscal year 2008; and

''(E) $24,879,000 for fiscal year 2009.

''(c) NATIONAL BASELINE STUDY OF PUBLIC SAFETY COMMUNICATIONS INTEROPERABILITY.—By December 31, 2005, the Under Secretary of Homeland Security for Science and Technology shall complete a study to develop a national baseline for communications interoperability and develop common grant guidance for all Federal grant programs that provide communications related resources or assistance to State and local agencies, any Federal programs conducting demonstration projects, providing technical assistance, providing outreach services, providing standards development assistance, or conducting research and development with the public safety community with respect to wireless communications. The Under Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce containing the Under Secretary's findings, conclusions, and recommendations from the study.''.

**SEC. —06. GRANT PROGRAM TO PROVIDE ENHANCED INTEROPERABILITY OF COMMUNICATIONS FOR FIRST RESPONDERS.**

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a program to help State, local, tribal, and regional first responders acquire and deploy interoperable communications equipment, purchase such equipment, and train personnel in the use of such equipment. The Secretary, in cooperation with the heads of other Federal departments and agencies who administer programs that provide communications-related assistance programs to State, local, and tribal public safety organizations, shall develop and implement common standards to the greatest extent practicable.

(b) APPLICATIONS.—To be eligible for assistance under the program, a State, local, tribal, or regional first responder agency shall submit an application, at such time, in such form, and containing such information as the Under Secretary of Homeland Security for Science and Technology may require, including—

(1) a detailed explanation of how assistance received under the program would be used to improve local communications interoperability and ensure interoperability with other appropriate Federal, State, local, tribal, and regional agencies in a regional or national emergency;

(2) assurance that the equipment and system would—

(A) not be incompatible with the communications architecture developed under section 302(b)(2)(A) of the Homeland Security Act of 2002;

(B) would meet any voluntary consensus standards developed under section 302(b) (2) (B) of that Act; and

(C) be consistent with the common grant guidance established under section 302(b)(3) of the Homeland Security Act of 2002.

(c) GRANTS.—The Under Secretary shall review applications submitted under subsection (b). The Secretary, pursuant to an application approved by the Under Secretary, may make the assistance provided under the program available in the form of a single grant for a period of not more than 3 years.

**SEC. —07. DIGITAL TRANSITION PUBLIC SAFETY COMMUNICATIONS GRANT AND CONSUMER ASSISTANCE FUND.**

(a) IN GENERAL.—There is established on the books of the Treasury a separate fiend to be known as the ''Digital Transition Consumer Assistance Fund'', which shall be administered by the Secretary, in consultation with the Assistant Secretary of Commerce for Communications and Information.

(b) CREDITING OF RECEIPTS.—The Fund shall be credited with the amount specified in section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)(j).

(c) FUND AVAILABILITY.—

(1) APPROPRIATIONS.—

(A) CONSUMER ASSISTANCE PROGRAM.—There are appropriated to the Secretary from the Fund such sums, not to exceed $1,000,000,000, as are required to carry out the program established under section 8 of this Act.

(B) PSO GRANT PROGRAM.—To the extent that amounts available in the Fund exceed the amount required to carry out that program, there are authorized to be appropriated to the Secretary of Homeland Security, such sums as are required to carry out the program established under section 6 of this Act, not to exceed an amount, determined by the Director of the Office of Management and Budget, on the basis of the findings of the National Baseline Interoperability study conducted by the SAFECOM Office of the Department of Homeland Security.

(2) REVERSION OF UNUSED FUNDS.—Any auction proceeds in the Fund that are remaining after the date on which the programs under section 6 and 8 of this Act terminate, as determined by the Secretary of Homeland Security and the Secretary of Commerce respectively, shall revert, to and be deposited in the general fund of the Treasury.

(d) DEPOSIT OF AUCTION PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) by inserting ''or subparagraph (D)'' in subparagraph (A) after ''subparagraph (B)''; and

(2) by adding at the end the following new subparagraph:

''(D) DISPOSITION OF CASH PROCEEDS FROM AUCTION OF CHANNELS 52 THROUGH 69.—Cash proceeds attributable to the auction of any eligible frequencies between 698 and 806 megaHertz on the electromagnetic spectrum conducted after the date of enactment of the SAVE LIVES Act shall be deposited in the Digital Transition Consumer Assistance Fund established under section 7 of that Act.''.

**SEC. —08. DIGITAL TRANSITION PROGRAM.**

(a) IN GENERAL.—The Secretary, in consultation with the Commission and the Director of the Office of Management and Budget, shall establish a program to assist households—

(1) in the purchase or other acquisition of digital-to-analog converter devices that will enable television sets that operate only with analog signal processing to continue to operate when receiving a digital signal;

(2) in the payment of a one-time installation fee (not in excess of the industry average fee for the date, locale, and structure involved, as determined by the Secretary) for installing the equipment required for residential reception of services provided by a multichannel video programming distributor (as defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 602(13)); or

(3) in the purchase of any other device that will enable the household to receive over-the-air digital television broadcast signals, but in an amount not in excess of the average per-household assistance provided under paragraphs (1) and (2).

(b) PROGRAM CRITERIA.—The Secretary shall ensure that the program established under subsection (a)—

(1) becomes publicly available no later than January 1, 2003;

(2) gives first priority to assisting lower income households (as determined by the Director of the Bureau of the Census for statistical reporting purposes) who rely exclusively on over-the-air television broadcasts;

(3) gives second priority to assisting other households who rely exclusively on over-the-air television broadcasts;

(4) is technologically neutral; and

(5) is conducted at the lowest feasible administrative cost.

**SEC. —09. FCC AUTHORITY TO REQUIRE LABEL REQUIREMENT FOR ANALOG TELEVISION SETS.**

(a) IN GENERAL.—Section 303 of the Communications, Act of 1934 (47 U.S.C. 303) is amended by adding end the following.

''(z) The Commission acts to set a hard deadline for the return of analog spectrum pursuant to section 309(j)(14), it shall have the authority to require that any apparatus described in paragraph (s) sold or offered for sale in or affecting interstate commerce, that is incapable of receiving and displaying a digital television broadcast signal without the use of an external device that translates digital television broadcast signals into analog television broadcast signals have affixed to it, and, if it is sold or offered for sale in

a container, affixed to that container, a label that states that the apparatus will be incapable of displaying over-the-air television broadcast signals received after a date determined by the FCC, without the purchase of additional equipment.''.

(c) POINT OF SALE WARNING.— If the Commission acts to set a hard deadline for the return of analog spectrum pursuant to section 309(j)(14), then the Commission in consultation with the Federal Trade Commission, shall require the display at, or in close proximity to, any commercial retail sales display of television sets described in section 303(z) of the Communications Act of 1934 (47 U.S.C. 303(z) sold or offered for sale in or affecting interstate commerce after a date determined by the Commission, of a printed notice that, clearly and conspicuously states that the sets will be incapable of displaying over-the-air telvision broadcast signals received after the hard deadline established by the Commission, without the purchase or lease of additional equipment.

**SEC. —10. REPORT ON CONSUMER EDUCATION PROGRAM REQUIREMENTS.**

Within 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information, after consultation with the Commission, shall transmit a report to the the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce containing recommendations with respect to—

(1) an effective program to educate consumers about the transition to digital television broadcast signals and the impact of that transition on consumers' choices of equipment to receive such signals;

(2) the need, if any, for Federal funding for such a program;

(3) the date of commencement and duration of such a program; and

(4) what department or agency should have the lead responsibility for conducting such a program.

**SEC. —11. FCC TO ISSUE DECISION IN CERTAIN PROCEEDINGS.**

The Commission shall issue a final decision before—

(1) January 1, 2005, in the Matter of Carriage of Digital Television Broadcast Signals; Amendments to Part 76 of the Commission's Rules, CS Docket, No. 98–120;

(2) January 1, 2005, in the Matter of Public Interest Obligations of TV Broadcast Licensees, MM Docket No. 99–360; and

(3) January 1, 2006, in the Implementation of the Satellite Home Viewer Improvement Act of 1999; Local Broadcast Signal Carriage Issues, CS Docket No. 00–96.

**SEC. —12. DEFINITIONS.**

In this title:

(1) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(2) FUND.—The term ''Fund'' means the Digital Transition Consumer Assistance Fund established by section 7.

(3) SECRETARY.—Except where otherwise expressly pro-rided, the term ''Secretary'' means the Secretary of Commerce.

**SEC. —13. EFFECTIVE DATE.**

This title takes effect on the date of enactment of this Act.

On page 170, between lines 8 and 9, insert the following:

(i) PROTECTIONS FOR HUMAN RESEARCH SUBJECTS.—The Secretary of Homeland Security shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by such Department.

On page 154, strike lines 1 through 3 and insert the following:

(1) analyze and review actions the executive branch takes to protect the Nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties; and

On page 155, line 6 strike beginning with ''has'' through line 9 and insert the following: ''has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;''.

On page 166, strike lines 4 through 6 and insert the following: ''element has established—

''(i) that the need for the power is balanced with the need to protect privacy and civil liberties;''.

On page 132, line 23, strike ''and''.

On page 133, line 3, strike the period and insert ''; and''.

On page 133, between lines 3 and 4, insert the following:

(L) utilizing privacy-enhancing technologies that minimize the inappropriate dissemination and disclosure of personally identifiable information.

On page 153, between lines 2 and 3, insert the following:

(o) LIMITATION ON FUNDS.—Notwithstanding any other provision of this section, none of the funds provided pursuant to subsection (n) may be obligated for deployment or implementation of the Network unless the guidelines and requirements under subsection (e) are submitted to Congress;

At the appropriate place, insert the following:

**SEC. ___. TERRORIST WATCH LISTS.**

(a) CRITERIA FOR WATCH LIST.—The National Intelligence Director of the United States, in consultation with the Secretary of Homeland Security, the Secretary of State, and the Attorney General, shall report to Congress on the criteria for placing individuals on the Terrorist Screening Center consolidated screening watch list, including minimum standards for reliability and accuracy of identifying information, the degree of information certainty and the range of threat levels that the individual poses, and the range of applicable consequences that apply to the person if located. To the greatest extent consistent with the protection of law enforcement sensitive information, classified information and applicable law, the report shall be in unclassified form and available to the public, with a classified annex where necessary.

(b) SAFEGUARDS AGAINST ERRONEOUS LISTINGS.—The Secretary of Homeland Security shall establish a process for individuals to challenge ''Automatic Selectee'' or ''No Fly'' designations on the applicable lists as maintain by the Transportation Security Administration and have their names removed from such lists, if erroneously present.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Department of Homeland Security Privacy Officer shall submit a report assessing the impact of the ''No Fly'' and ''Automatic Selectee'' lists on privacy and civil liberties to the Committee on the Judiciary, the Committee on Governmental Affairs, and the Committee on Commerce, Science and Transportation of the Senate, and the Committee on the Judiciary, the Committee on Government Reform, the Committee on Transportation and Infrastructure, and the Select Committee on Homeland Security of the House of Representatives. The report shall include any recommendations for practices, procedures, regulations, or legislation to eliminate or minimize adverse effects of such lists on privacy, discrimination, due process and other civil liberties, as well as the implications of applying those lists to other modes of transportation. In its analysis, the report shall also consider the effect these recommendations would have on the ability of such lists to protect the United States against terrorist attacks. To the greatest extent consistent with the protection of law enforcement sensitive information, classified information and applicable law, the report shall be in unclassified form and available to the public, with a classified annex where necessary.

(d) EFFECTIVE DATE.—Notwithstanding section 341 or any other provision of this Act, this section shall become effective on the date of enactment of this Act.

At the appropriate place, insert the following:

**SEC. ___. REPORT ON INTERNATIONAL AIR CARGO THREATS.**

(a) REPORT.—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Administrator of the Federal Aviation Administration, shall submit a report to the Committee on Commerce, Science, and Transportation and the Committee on Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Select Committee on Homeland Security of the House of Representatives that contains the following:

(1) A description of the current procedures in place to address the threat of an inbound all-cargo aircraft from outside the United States that intelligence sources indicate could carry explosive, incendiary, chemical, biological or nuclear devices.

(2) An analysis of the potential for establishing secure facilities along established international aviation routes for the purposes of diverting and securing aircraft described in paragraph (1).

(b) REPORT FORMAT.—The Secretary may submit all, or part, of the report required by this section in classified and redacted form if the Secretary determines that it is appropriate or necessary.

At the appropriate place, insert the following:

**SEC. ___. TERRORISM FINANCING.**

(a) REPORT ON TERRORIST FINANCING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the President, acting through the Secretary of the Treasury, shall submit to Congress a report evaluating the current state 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 and efficiency of current United States governmental efforts and methods to detect, track, disrupt, and stop terrorist financing;

(B) the relationship between terrorist financing and money laundering, including how the laundering of proceeds related to illegal narcotics or foreign political corruption may contribute to terrorism or terrorist financing;

(C) the nature, effectiveness, and efficiency of current efforts to coordinate intelligence and agency operations within the United States Government to detect, track, disrupt, and stop terrorist financing, including identifying who, if anyone, has primary responsibility for developing priorities, assigning tasks to agencies, and monitoring the implementation of policy and operations;

(D) the effectiveness and efficiency of efforts to protect the critical infrastructure of the United States financial system, and ways to improve the effectiveness of financial institutions;

(E) ways to improve multilateral and international governmental cooperation on terrorist financing, including the adequacy of agency coordination within the United States related to participating in international cooperative efforts and implementing international treaties and compacts; and

(F) ways to improve the setting of priorities and coordination of United States efforts to detect, track, disrupt, and stop terrorist financing, including recommendations for changes in executive branch organization or procedures, legislative reforms, additional resources, or use of appropriated funds.

(b) POSTEMPLOYMENT RESTRICTION FOR CERTAIN BANK AND THRIFT EXAMINERS.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following:

''(k) ONE-YEAR RESTRICTIONS ON FEDERAL EXAMINERS OF FINANCIAL INSTITUTIONS.—

''(1) IN GENERAL.—In addition to other applicable restrictions set forth in title 18, United States Code, the penalties set forth in paragraph (6) of this subsection shall apply to any person who—

''(A) was an officer or employee (including any special Government employee) of a Federal banking agency or a Federal reserve bank;

''(B) served 2 or more months during the final 12 months of his or her employment with such agency or entity as the senior examiner (or a functionally equivalent position) of a depository institution or depository institution holding company with continuing, broad responsibility for the examination (or inspection) of that depository institution or depository institution holding company on behalf of the relevant agency or Federal reserve bank; and

''(C) within 1 year after the termination date of his or her service or employment with such agency or entity, knowingly accepts compensation as an employee, officer, director, or consultant from—

''(i) such depository institution, any depository institution holding company that controls such depository institution, or any other company that controls such depository institution; or

''(ii) such depository institution holding company or any depository institution that is controlled by such depository institution holding company.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'depository institution' includes an uninsured branch or agency of a foreign bank, if such branch or agency is located in any State; and

''(B) the term 'depository institution holding company' includes any foreign bank or company described in section 8(a) of the International Banking Act of 1978.

''(3) RULES OF CONSTRUCTION.—For purposes of this subsection, a foreign bank shall be deemed to control any branch or agency of the foreign bank, and a person shall be deemed to act as a consultant for a depository institution, depository institution holding company, or other company, only if such person directly works on matters for, or on behalf of, such depository institution, depository institution holding company, or other company.

''(4) REGULATIONS.—

''(A) IN GENERAL.—Each Federal banking agency shall prescribe rules or regulations to administer and carry out this subsection, including rules, regulations, or guidelines to define the scope of persons referred to in paragraph (1)(B).

''(B) CONSULTATION REQUIRED.—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 and 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.

''(5) WAIVER.—

''(A) AGENCY AUTHORITY.—A Federal banking agency may grant a waiver, on a case by case basis, of the restriction imposed by this subsection to any officer or employee (including any special Government employee) of that agency, and the Board of Governors of the Federal Reserve System may grant a waiver of the restriction imposed by this subsection to any officer or employee of a Federal reserve bank, if the head of such agency certifies in writing that granting the waiver would not affect the integrity of the supervisory program of the relevant Federal banking agency.

''(B) DEFINITION.—For purposes of this paragraph, the head of an agency is—

''(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 Corporation; and

''(iv) the Director of the Office of Thrift Supervision, in the case of the Office of Thrift Supervision.

''(6) PENALTIES.—

''(A) IN GENERAL.—In addition to any other administrative, civil, or criminal remedy or penalty that may otherwise apply, whenever a Federal banking agency determines that a person subject to paragraph (1) has become associated, in the manner described in paragraph (1)(C), with a depository institution, depository institution holding company, or other company for which such agency serves as the appropriate Federal banking agency, the agency shall impose upon such person one or more of the following penalties:

''(i) INDUSTRY-WIDE PROHIBITION ORDER.—The Federal banking 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 intention of the agency—

''(I) to remove such person from office or to prohibit such person from further participation in the conduct of the affairs of the depository institution, depository institution holding company, or other company for a period of up to 5 years; and

''(II) to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured depository institution for a period of up to 5 years.

''(ii) CIVIL MONETARY FINE.—The Federal banking agency may, in an administrative proceeding or civil action in an appropriate United States district court, impose on such person a civil monetary penalty of not more than $250,000. In lieu of an action by the Federal banking agency under this clause, the Attorney General of the United States may bring a civil action under this clause in the appropriate United States district court. Any administrative proceeding under this clause shall be conducted in accordance with section 8(i).

''(B) SCOPE OF PROHIBITION ORDER.—Any person subject to an order issued under subparagraph (A)(i) 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.

''(C) DEFINITIONS.—Solely for purposes of this paragraph, the 'appropriate Federal banking agency' for a company that is not a depository institution or depository institution holding company shall be the Federal banking agency on whose behalf the person described in paragraph (1) performed the functions described in paragraph (1)(B).''.

(c) POSTEMPLOYMENT RESTRICTION FOR CERTAIN CREDIT UNION EXAMINERS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following:

''(w) ONE-YEAR RESTRICTIONS ON FEDERAL EXAMINERS OF INSURED CREDIT UNIONS.—

''(1) IN GENERAL.—In addition to other applicable restrictions set forth in title 18, United States Code, the penalties set forth in paragraph (5) of this subsection shall apply to any person who—

''(A) was an officer or employee (including any special Government employee) of the Administration;

''(B) served 2 or more months during the final 12 months of his or her employment with the Administration as the senior examiner (or a functionally equivalent position) of an insured credit union with continuing, broad responsibility for the examination (or inspection) of that insured credit union on behalf of the Administration; and

''(C) within 1 year after the termination date of his or her service or employment with the Administration, knowingly accepts compensation as an employee, officer, director, or consultant from such insured credit union.

''(2) RULE OF CONSTRUCTION.—For purposes of this subsection, a person shall be deemed to act as a consultant for an insured credit union only if such person directly works on matters for, or on behalf of, such insured credit union.

''(3) REGULATIONS.—

''(A) IN GENERAL.—The Board shall prescribe rules or regulations to administer and carry out this subsection, including rules, regulations, or guidelines to define the scope of persons referred to in paragraph (1)(B).

''(B) CONSULTATION.—In prescribing rules or regulations under this paragraph, the Board shall, to the extent it deems necessary, consult with the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) on regulations issued by such agencies in carrying out section 10(k) of the Federal Deposit Insurance Act.

''(4) WAIVER.—

''(A) AGENCY AUTHORITY.—The Board may grant a waiver, on a case by case basis, of the restriction imposed by this subsection to any officer or employee (including any special Government employee) of the Administration if the Chairman certifies in writing that granting the waiver would not affect the integrity of the supervisory program of the Administration.

''(5) PENALTIES.—

''(A) IN GENERAL.—In addition to any other administrative, civil, or criminal remedy or penalty that may otherwise apply, whenever the Board determines that a person subject to paragraph (1) has become associated, in the manner described in paragraph (1)(C), with an insured credit union, the Board shall impose upon such person one or more of the following penalties:

''(i) INDUSTRY-WIDE PROHIBITION ORDER.—The Board shall serve a written notice or order in accordance with and subject to the provisions of subsection (g)(4) for written notices or orders under paragraphs (1) or (2) of subsection (g), upon such person of the intention of the Board—

''(I) to remove such person from office or to prohibit such person from further participation in the conduct of the affairs of the insured credit union for a period of up to 5 years; and

''(II) to prohibit any further participation by such person, in any manner, in the conduct of the affairs of any insured credit union for a period of up to 5 years.

''(ii) CIVIL MONETARY FINE.—The Board may, in an administrative proceeding or civil action in an appropriate United States district court, impose on such person a civil monetary penalty of not more than $250,000. In lieu of an action by the Board under this clause, the Attorney General of the United States may bring a civil action under this clause in the appropriate United States district court. Any administrative proceeding under this clause shall be conducted in accordance with subsection (k).

''(B) SCOPE OF PROHIBITION ORDER.—Any person subject to an order issued under this subparagraph (A)(i) 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 subsection (g).''.

(d) EFFECTIVE DATE.—Notwithstanding section 341, subsection (a) shall become effective on the date of enactment of this Act, and the amendments made by subsections (b) and (c) shall become effective at the end of the 12-month period beginning on the date of enactment of this Act, whether or not final regulations are issued in accordance with the amendments made by this section as of that date of enactment.

(e) REPEAL OF DUPLICATIVE PROVISION.—Section ____16(c) of this Act, entitled ''REPORT ON TERRORIST FINANCING'' is repealed, and shall have no force or effect, effective on the date of enactment of this Act.

At the end, insert the following new title:

**TITLE IV—TRANSPORTATION SECURITY**

**SEC. 401. WATCHLISTS FOR PASSENGERS ABOARD VESSELS.**

(a) IN GENERAL.—As soon as practicable but not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) implement a procedure under which the Department of Homeland Security compares information about passengers and crew who are to be carried aboard a cruise ship 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 and crew information with the information in the database to prevent known or suspected terrorists and their associates from boarding such vessels or to subject them to specific additional security scrutiny, through the use of ''no transport'' and ''automatic selectee'' lists or other means.

* * * * * *

(b) COOPERATION FROM OPERATORS OF PASSENGER VESSELS.—The Secretary of Homeland Security shall by rulemaking require operators of cruise ships to provide the passenger and crew information necessary to implement the procedure required by subsection (a).

(c) MAINTAINING THE ACCURACY AND INTEGRITY OF THE ''NO TRANSPORT'' AND ''AUTOMATIC SELECTEE'' LISTS.—

(1) WATCHLIST DATABASE.—The Secretary of Homeland Security, in consultation with the Director of the Federal Bureau of Investigations, 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 databases.

(2) ACCURACY OF ENTRIES.—In developing the ''no transport'' and ''automatic selectee'' lists under subsection (a)(1), 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 and crew screening process. The Secretary shall also establish a process to provide an individual whose name is confused with, or similar to, a name in the watchlist database with a means of demonstrating that such individual is not the person named in the database.

(d) CRUISE SHIP DEFINED.—In this section, the term ''cruise ship'' shall be as defined in 33 CFR 104.105(a)(5) and (6) on the date of enactment of this act.

At the appropriate place, insert the following:

**SEC. ___. COMMUNICATION SYSTEM GRANTS.**

(a) IN GENERAL.—The Secretary of Homeland Security may award grants, on a competitive basis, to States, local governments, local law enforcement agencies, and local fire departments to—

(1) improve communication systems to allow for real time, interoperable communication between State and local first responders; or

(2) purchase communication systems that allow for real time, interoperable communication between State and local first responders.

(b) APPLICATION.—Any State, local government, local law enforcement agency, or local fire department desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary for each of the fiscal years 2005 through 2009 to carry out the provisions of this section.

On page 158, between lines 9 and 10 insert the following:

(C) the minority views on any findings, conclusions, and recommendations of the Board resulting from its advice and oversight functions under subsection (d).

At the appropriate place, insert the following:

**SEC. ___. PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2004.**

(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, among other things, helping to protect critical infrastructure, including hospitals, manufacturing facilities, defense and aerospace contractors, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, and others;

(3) the 9-11 Commission Report says that ''Private sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security'' and endorsed adoption of the American National Standards Institute's standard for private preparedness;

(4) part of improving private sector preparedness is mitigating the risks of terrorist attack on critical infrastructure by ensuring that private security officers who protect those facilities are properly screened to determine their suitability;

(5) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(6) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

(c) DEFINITIONS.—In this section:

(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 section 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 section.

(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 section.

(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 section.

(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 section, 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 section 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 section, including—

(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(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 section 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 section; 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 section 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 section.

(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this section 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 paragraph.

On page 4, after line 12, of the agreed to language of amendment No. 3942, insert the following:

(4) regions of specific concern where United States foreign assistance should be targeted to assist governments in efforts to prevent the use of such regions as terrorist sanctuaries are South Asia, Southeast Asia, West Africa, the Horn of Africa, North and North Central Africa, the Arabian peninsula, Central and Eastern Europe, and South America;

At the appropriate place insert the following:

(1) The United States needs to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States to adopt a unified incident command system and significantly enhance communications connectivity between and among civilian authorities, local first responders, and the National Guard. The unified incident command system should enable emergency managers and first responders to manage, generate, receive, evaluate, share, and use information in the event of a terrorist attack or a significant national disaster.

At the appropriate place, insert the following:

**SEC. ___. LIQUEFIED NATURAL GAS MARINE TERMINALS.**

Congress finds that plans developed by the Department of Homeland Security to protect critical energy infrastructure should include risk assessments and protective measures for existing and proposed liquefied natural gas marine terminals.

At the appropriate place, insert the following:

**SEC. ___. URBAN AREA COMMUNICATIONS CAPABILITIES.**

Section 510 of the Homeland Security Act of 2002, as added by this Act, is amended by inserting ", and shall have appropriate and timely access to the Information Sharing Network described in section 206(c) of the National Intelligence Reform Act of 2004" after "each other in the event of an emergency".

On page 137, line 20, strike "and" and all that follows through "(9)" on line 21, and insert the following:

(9) an estimate of training requirements needed to ensure that the Network will be adequately implemented and property utilized;

(10) an analysis of the cost to State, tribal, and local governments and private sector entities for equipment and training needed to effectively utilize the Network; and

(11)

At the appropriate place, insert the following new section:

**SEC. ___. ANNUAL REPORT ON THE ALLOCATION OF RESOURCES WITHIN THE OFFICE OF FOREIGN ASSETS CONTROL.**

(a) REQUIREMENT FOR ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on the allocation of resources within the Office of Foreign Assets Control.

(b) CONTENT OF ANNUAL REPORT.—An annual report required by subsection (a) shall include—

(1) a description of—

(A) the allocation of resources within the Office of Foreign Assets Control to enforce the economic and trade sanctions of the United States against terrorist organizations and targeted foreign countries during the fiscal year prior to the fiscal year in which such report is submitted; and

(B) the criteria on which such allocation is based;

(2) a description of any proposed modifications to such allocation; and

(3) an explanation for any such allocation that is not based on prioritization of threats determined using appropriate criteria, including the likelihood that—

(A) a terrorist organization or targeted foreign country—

(i) will sponsor or plan a direct attack against the United States or the interests of the United States; or

(ii) is participating in or maintaining a nuclear, biological, or chemical weapons development program; or

(B) a targeted foreign country—

(i) is financing, or allowing the financing, of a terrorist organization within such country; or

(ii) is providing safe haven to a terrorist organization within such country.

(c) EFFECTIVE DATE.—Notwithstanding section 341 or any other provision of this Act, this section shall take effect on the date of the enactment of this Act.

At the appropriate place, insert the following:

**SEC. ___. HOMELAND SECURITY GEOGRAPHIC INFORMATION.**

(a) FINDINGS.—Congress finds that—

(1) geographic technologies and geographic data improve government capabilities to detect, plan, prepare, and respond to disasters in order to save lives and protect property;

(2) geographic data improves the ability of information technology applications and systems to enhance public security in a cost-effective manner; and

(3) geographic information preparedness in the United States, and specifically in the Department of Homeland Security, is insufficient because of—

(A) inadequate geographic data compatibility;

(B) insufficient geographic data sharing; and

(C) technology interoperability barriers.

(b) HOMELAND SECURITY GEOGRAPHIC INFORMATION.—Section 703 of the Homeland Security Act of 2002 (6 U.S.C. 343) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Chief Information"; and

(2) by adding at the end the following:

"(b) GEOGRAPHIC INFORMATION FUNCTIONS.—

"(1) DEFINITION.—In this subsection, the term 'geographic information' means the information systems that involve locational data, such as maps or other geospatial information resources.

"(2) OFFICE OF GEOSPATIAL MANAGEMENT.—

"(A) ESTABLISHMENT.—The Office of Geospatial Management is established within the Office of the Chief Information Officer.

"(B) GEOSPATIAL INFORMATION OFFICER.—

"(i) APPOINTMENT.—The Office of Geospatial Management shall be administered by the Geospatial Information Officer, who shall be appointed by the Secretary and serve under the direction of the Chief Information Officer.

"(ii) FUNCTIONS.—The Geospatial Information Officer shall assist the Chief Information Officer in carrying out all functions under this section and in coordinating the geographic information needs of the Department.

"(C) COORDINATION OF GEOGRAPHIC INFORMATION.—The Chief Information Officer shall establish and carry out a program to provide

for the efficient use of geographic information, which shall include—

''(i) providing such geographic information as may be necessary to implement the critical infrastructure protection programs;

''(ii) providing leadership and coordination in meeting the geographic information requirements of those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure protection, and other functions of the Department; and

''(iii) coordinating with users of geographic information within the Department to assure interoperability and prevent unnecessary duplication.

''(D) RESPONSIBILITIES.—In carrying out this subsection, the responsibilities of the Chief Information Officer shall include—

''(i) coordinating the geographic information needs and activities of the Department;

''(ii) implementing standards, as adopted by the Director of the Office of Management and Budget under the processes established under section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), to facilitate the interoperability of geographic information pertaining to homeland security among all users of such information within—

''(I) the Department;

''(II) State and local government; and

''(III) the private sector;

''(iii) coordinating with the Federal Geographic Data Committee and carrying out the responsibilities of the Department pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906; and

''(iv) making recommendations to the Secretary and the Executive Director of the Office for State and Local Government Coordination and Preparedness on awarding grants to—

''(I) fund the creation of geographic data; and

''(II) execute information sharing agreements regarding geographic data with State, local, and tribal governments.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection for each fiscal year.''.

At the appropriate place, insert the following:

**SEC. 409. CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.**

(a) DEFINED TERM.—In this section, the term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Bureau of Customs and Border Protection of the Department of Homeland Security shall submit a report to Congress that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport; and

(2) if the methodologies and technologies used to screen solid waste are less effective than those used to screen other commercial items, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of solid waste, including the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Bureau of Customs and Border Protection fails to fully implement the actions described in subsection (b)(2) before the earlier of 6 months after the date on which the report is due under subsection (b) or 6 months after the date on which such report is submitted, the Secretary of Homeland Security shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in such waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport.

(d) EFFECTIVE DATE.—Notwithstanding section 341, this section shall take effect on the date of enactment of this Act.

At the appropriate place, insert the following:

(i) PARTICIPATION OF UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE.—

(1) PARTICIPATION.—The Under Secretary for Emergency Preparedness and Response shall participate in the grantmaking process for the Threat-Based Homeland Security Grant Program for nonlaw enforcement-related grants in order to ensure that preparedness grants, where appropriate, are consistent, and are not in conflict, with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) REPORTS.—The Under Secretary for Emergency Preparedness and Response shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report that describes—

(A) the status of the Threat-Based Homeland Security Grant Program; and

(B) the impact of that program on programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**SEC. ___. NATIONAL INTEROPERABLE COMMUNICATIONS NETWORK.**

(a) IN GENERAL.—Within one year of enactment, the Secretary of Homeland Security, in coordination with the Federal Communications Commission and the National Telecommunications and Information Administration, shall complete a study assessing potential technical and operational standards and protocols for a nationwide interoperable communications network (referred to in this section as the ''Network'') that may be used by Federal, State, and local governmental and non-governmental public safety, homeland security, and other first responder personnel. The assessment shall be consistent with the SAFECOM national strategy as developed by the public safety community in cooperation with SAFECOM and the DHS Interoperability Office. The Secretary shall report the results of the study to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Governmental Affairs, the House of Representatives Committee on Energy and Commerce, and the House of Representatives Select Committee on Homeland Security.

(b) CONSULTATION AND USE OF COMMERCIAL TECHNOLOGIES.—In assessing standards and protocols pursuant to paragraph (a), the Secretary of Homeland Security shall—

(1) seek input from representatives of the user communities regarding the operation and administration of the Network; and

(2) consider use of commercial wireless technologies to the greatest extent practicable.

At the appropriate place insert the following:

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking ''more than'' and all that follows through ''after'' and inserting ''More than 48 months after''.

Mrs. MALONEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, this is a very simple motion to recommit. It replaces the House language with the language that passed the Senate on an overwhelming vote of 96 to 2.

PARLIAMENTARY INQUIRY

Mr. HOEKSTRA. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman will state it.

Mr. HOEKSTRA. Mr. Speaker, is there a motion, or is there a copy of the motion available at the desk?

Mrs. MALONEY. Yes, there is.

Mr. HOEKSTRA. Could we have a copy, please?

Mrs. MALONEY. Yes. It is at the desk.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. MALONEY) may proceed.

Mrs. MALONEY. Mr. Speaker, this motion to recommit replaces the House language with the language that passed the Senate in an overwhelming vote of 96 to 2.

As we have debated the merits of H.R. 10, it has become clear that the bill is fundamentally flawed, and it will certainly take a conference to work out major differences. We do not need to take that path.

After the attacks of September 11, Congress created a bipartisan commission to examine the causes of the attack and make recommendations for reform. This commission put aside partisan differences to make 41 unanimous recommendations for making our country safer. The other body acted, largely in a bipartisan manner, and the bipartisan 9/11 Commission Caucus in the House has been working with the 9/11 families and the commission since the recommendations were released.

Our job should be to enact these recommendations. The only question we should ask is what can we do to make America safer, and the only answer is to enact the recommendations of the 9/11 Commission.

Unfortunately, H.R. 10 does not do this. There are 41 recommendations made by the 9/11 Commission. H.R. 10 fully implements only 11 of the 41 recommendations.

At the Presidential debates last week, President Bush and Senator KERRY were asked what was the greatest threat facing the Nation. They gave the same answer: nuclear proliferation.

Yet, incredibly, H.R. 10 does not implement the 9/11 Commission's recommendations for stopping nuclear proliferation; and the bill falls short in other key areas, such as border security, aviation security, and emergency response.

It is not hard to see what is going on. Some say that the real goal of the Republican leadership is to pass a bill that cannot be reconciled with the Senate bill before the election. The Republican leadership knows that after the elections, when the political pressure is off, the prospects for reform will vanish.

This is our moment. We need to act now. We have this window of opportunity and we must take it; and that is exactly what this motion to recommit does. It is the same language that passed the Senate 96 to 2. Every single Republican Senator voted for the bill and virtually every single Democratic Senator. The motion implements all of the recommendations of the 9/11 Commission, and it includes no poison pills.

If we pass this motion, there will be no difference between the House and the Senate language. This legislation can go right to the President's desk for signature. We can be in the Rose Garden tomorrow for a signing ceremony.

If there are other provisions that the House wants to enact, they will have every opportunity they want to put them on separate pieces of legislation before this House.

This past week, our offices have all been visited by the 9/11 families. The 9/11 families have been through a terrible ordeal, but they have turned their grief into action and their personal tragedy into public service. More than 3 years after 9/11, it is time to honor their commitment to ensuring that other American families never have to walk in their shoes.

This motion to recommit is our best hope for a solution right now. All we have to do is vote ''yes'' and vote to make our Nation safer. Vote to support the motion to recommit.

Mr. Speaker, I yield the remaining time to my distinguished colleague, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman for yielding me this time to say how proud New Yorkers, two of whom are my children, are of her leadership and her service to New York City.

This has been a long and difficult debate. Last night, in my view, was not our finest hour in this House, and the re-vote on the Smith amendment just moments ago was an unnecessary rebuke to a bipartisan group who tried to make this bill better.

I urge an ''aye'' vote on this motion to recommit, not to polarize us, but to unite us. The goal is to make us safer; and to do so, we need to change the way our intelligence community is organized.

Good people who try their best to protect us need better tools. A good organization cannot assure success, but a bad organization makes success much more difficult. Every Republican Senator voted for this bill, and eight Republicans voted for it in the House last night. I urge an ''aye'' vote on this motion to recommit.

Mr. HOEKSTRA. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I rise in opposition to the motion to recommit with instructions to strike the text of H.R. 10, as amended, and insert the text of the Maloney substitute.

We have heard much about the efforts in the other body which resulted in the passage of the National Intelligence Reform Act of 2004 by a vote of 96 to 2. I have congratulated the sponsors of the bill, Senator COLLINS, the Chair of the Committee on Government Affairs, and Senator JOE LIEBERMAN, the committee's ranking Democrat member, for their accomplishments.

Over 6 days of debate, the other body placed its mark on the Collins-Lieberman bill. As I predicted, that bill has grown in size with the inclusion of scores of amendments becoming more like H.R. 10, not in just title I, but throughout the bill. The House has now spent the better part of 2 days considering H.R. 10. We have put our imprint on the recommendations of the 9/11 Commission. We will soon have the opportunity to reconcile the two bills in conference.

Lee Hamilton, the 9/11 Commission's vice chairman and a former distinguished chairman of both the House Permanent Select Committee on Intelligence and the Committee on International Relations, also stated what should be obvious: that as the Senate and House conduct the normal legislative process, each body would refine and put their imprint on the commission's recommendations. He said that at the September 28 press conference, and it is what he is reported to have said on other occasions. The commission's recommendations are not set in stone. That is what the other body has done during its many days of consideration of S. 2845, and it is exactly what the House has done.

The motion to recommit represents another attempt to legislate by playing ''follow the other body.'' This process began weeks ago when some said the House should pass the Collins-Lieberman bill, as introduced. Then it was, the House should pass the Collins-Lieberman bill as reported by committee. Yesterday it was, the House should pass a little bit of Collins-Lieberman and a little bit of Lieberman-McCain. And today, what the House should pass is what may be the Senate bill, but this is what it looks like: 300 pages, 400 pages of stuff that has been blacked out, hand-written in, with Senators' names on it. Will those be part of the bill?

The House is better than that. While some may have been busy watching the other body, our committees and Members have methodically held hearings, introduced legislation, and amended and improved H.R. 10.

Mr. Speaker, 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 restructuring the intelligence community. H.R. 10 is the work of the House, not following the other body.

Mr. Speaker, for these reasons, for the integrity of the House, I urge my colleagues to join me in opposing the motion to recommit and pass H.R. 10.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mrs. MALONEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 193, noes 223, not voting 17, as follows:

[Roll No. 522]

AYES—193

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
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
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
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Michaud
Millender-McDonald

Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
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—223

Aderholt
Akin
Alexander
Bachus
Baker
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
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
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
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
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schrock
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)

NOT VOTING—17

Ballenger
Boehlert
Filner
Gephardt
Hinojosa
Jones (NC)
Kaptur
Lipinski
Majette
Matsui
Meek (FL)
Norwood
Ortiz
Paul
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1532

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 522, I was in my Congressional District on official business. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 282, noes 134, not voting 17, as follows:

[Roll No. 523]

AYES—282

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
DeMint
Deutsch
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hobson
Hoeffel
Hoekstra
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (FL)

NOES—134

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Ford
Frank (MA)
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kildee
Kilpatrick
Kleczka
Kucinich
LaHood
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lynch
Maloney
Markey
McCollum
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Sherman
Smith (WA)
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Wilson (NM)
Woolsey
Wynn
Young (AK)

NOT VOTING—17

| | | |
|---|---|---|
| Ballenger | Kaptur | Ortiz |
| Boehlert | Lipinski | Paul |
| Filner | Majette | Slaughter |
| Gephardt | Matsui | Tauzin |
| Hinojosa | Meek (FL) | Towns |
| Jones (NC) | Norwood | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1551

So the bill was passed.

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. 523, I was in my congressional district on official business. Had I been present, I would have voted "nay."

## GENERAL LEAVE

Mr. THORNBERRY. 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. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 10, the Clerk be authorized to make technical changes and conforming changes to the bill.

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

There was no objection.

## PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL NOVEMBER 19, 2004, TO FILE SUPPLEMENTAL REPORT ON H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. HOSTETTLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until November 19, 2004, to file a supplemental report on H.R. 10.

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

There was no objection.

## MOTION TO INSTRUCT CONFEREES ON S. 2845, NATIONAL INTELLIGENCE REFORM ACT OF 2004

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Gutierrez moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 2845 be instructed to recede from its amendment to the bill (particularly sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054, 3055, and 3056 of its amendment) and concur therein.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Indiana (Mr. HOSTETTLER) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. Speaker, I rise to offer a motion to instruct the conferees on H.R. 10 with instructions that the House recede to the Senate and strike provisions 3005, 3007, 3009 and 3032 from the bill. These provisions are poison pills that will slow the process of reforming our Nation's intelligence agencies and do nothing to make us safer.

My motion further instructs House conferees to recede to the Senate by striking sections 3051 through 3056 from H.R. 10 relating to driver's licenses, identification cards and accepting the corresponding driver's licenses provisions from the Senate-passed bill.

Mr. Speaker, instead of making us safer, enactment of these provisions would impose severe hardship on aliens by subjecting at least 1 million immigrants to deportation without any administrative hearing or due process, no review; permit the United States to outsource torture by sending an individual to a country where he or she is likely to be tortured; install a number of new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States; and prohibit habeas corpus review.

Mr. Speaker, once again, let me remind my colleagues of the very relevant details. None of these provisions were included in the recommendations made by the bipartisan 9/11 Commission, and they are extremely divisive. Insistence on these provisions could greatly complicate the task of conferencing with the Senate and producing a bill implementing the 9/11 Commission recommendations. I urge my colleagues to support this motion to instruct.

Speaking on section 3005, it is very problematic, Mr. Speaker. Among other things, it would bar the use of matricula consular identification cards, a policy that the Bush administration has opposed. Not only would this affect undocumented immigrants, it would also affect Canadians. Section 3005 makes it impossible for Canadians, who currently do not have a passport to be legally in the United States, to establish their identity when encountered by Federal employees.

Last month, this Chamber, Mr. Speaker, overwhelmingly rejected an attempt to overturn the Department of Treasury regulations that permit matricula consular identification cards to be used in banking transactions. The House stripped the provision from the bill by adopting an amendment to H.R. 5025 that was offered by the gentleman from Ohio (Mr. OXLEY), the House Committee on Financial Services chairman. The House adopted the Oxley amendment on September 14 by a vote of 222 to 177. Clearly, we should not revisit this. It has been visited not once, but at least on three occasions.

Section 3006. This section greatly expands the use of expedited removal in the United States. It would be especially harmful for women and children who are escaping a range of gender-related persecutions such as rape, sexual slavery, trafficking, honor killings, since persons scarred by such trauma often require time before they can step forward to express their claim.

I would like to think that most people in this Chamber would agree that this would cause untold grief to women and children who will no longer be able to obtain the relief to which Congress believes they are entitled, victimizing them once they are raped, victimizing them once again. This amendment in the Committee of the Whole was carried on the Smith amendment, and then we unfortunately had to revisit it for political purposes where it was defeated or it would not even be in my motion.

Furthermore, this section would reverse several decades of policy with respect to persons fleeing the tyranny in Cuba, eviscerating protections that currently are available to Cubans arriving in the United States. Section 3006 would mean that any Cuban who sets foot on United States soil would have to be placed in expedited removal. Like all others, they would be subject to mandatory detention and swift removal from the United States. This will mean that many Cubans would be returned to the dictatorship of Fidel Castro without so much as a hearing.

Section 3007 is nothing short of an assault on asylum. It would make sweeping changes to asylum law that the drafters erroneously contend would stop terrorists from being granted asylum. Section 3007 would create new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States. This, in turn, would result in bona fide refugees being returned to their persecutors.

It ignores the fact that asylum applicants, particularly survivors of torture, rape or forced abortion or sterilization, may not be comfortable telling this information to a uniformed male inspector officer at an airport.

Section 3009 is particularly disturbing, Mr. Speaker. If this section is enacted, the constitutionally compelled remedy of habeas corpus will be eliminated, and a plainly inadequate

court of appeals review will be substituted that will leave many noncitizens without any forum to raise legitimate claims of governmental error and misconduct. At the same time, the section creates an extremely high burden for obtaining a stay of deportation, inviting government to race to deport noncitizens before a Federal court can rule on the merits of the case.

Section 3032. Supporters of section 3032 falsely contend that it would prevent the United States from deporting persons to countries where they are likely to be tortured. However, nothing could be further from the truth. In fact, under this section, as it was amended in the Committee of the Whole by the Hostettler amendment, the United States still could outsource torture by sending individuals to countries where they are likely to be tortured.

It merely provides that in order to do so the United States Government would be required to seek what amounts to a note from the torturing government, that torturing government to promise us that they will not torture that individual anymore before we send them back.

Who among our colleagues will be willing to stake their lives or the lives of their loved ones on the promise of the Government of Sudan or the Government of Syria or the People's Republic of China or North Korea or Cuba or Saudi Arabia that they will not torture someone if we send them back after they try to get asylum here?

Mr. Speaker, our country is far better than this. This provision is unacceptable. The administration expressed the President's opposition to permitting the government to outsource torture to foreign governments in the administration's statement of administration policy on H.R. 10. The President of the United States is against this provision. Members should know that a vote against this motion to instruct would be a vote against the very wishes of the President of the United States.

Mr. Speaker, I, at this point, would like to end my comments.

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

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

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. HOSTETTLER. Mr. Speaker, there has been much discussion on H.R. 10, the legislation that has been considered by the House over the last several days, and this motion to instruct would strike several provisions in the legislation that are vitally important to securing the American people. But, Mr. Speaker, I would offer into the RECORD a letter by a group called the 9/11 Families for a Secure America.

The letter was written to the gentleman from Wisconsin (Chairman SENSENBRENNER) of the Committee on the Judiciary, and it is made up of a group of families who lost loved ones or were victimized on September 11 as a result of the attacks on our country. No one could speak more eloquently than they about the need for change to our immigration policy in that they write:

''We are writing to express the support and thanks of 9/11 Families for a Secure America for the provisions in title 3 of H.R. 10, the 9/11 Recommendations Implementation Act,'' and those are the provisions that this motion to instruct would seek to eliminate.

Reading further, ''These provisions would go a long way toward closing the loopholes that allowed 19 terrorists, all of whom had violated our immigration laws in one way or another, to enter and move freely around our country while they honed their plot to murder our loved ones.

''We are heartened by the inclusion in the bill of provisions that require both U.S. citizens and aliens to prove their identity upon entry with secure, verifiable documents, preclude acceptance by Federal employees of consular ID cards, insist that DHS, Department of Homeland Security, expand its use of expedited removal and prevent illegal aliens from abusing our judicial process to delay deportation and increase the number of the Border Patrol and ICE, or Immigrations and Customs Enforcement, agents.

□ 1600

''All of these provisions fall well within the scope of the 9/11 Commission's recommendations and so should be enacted and implemented as quickly as possible.

''Our efforts over the past 3 years to get elected officials to recognize and address the current immigration crisis have taught us that even the most reasonable and sensible immigration reform proposals languish in Congress because our elected leaders are either blinded by special interests or afraid of being vilified by them. We commend you and the House Republican leadership for your willingness to address immigration reform in H.R. 10 while the sponsors of every other so-called 9/11 bill completely ignored it.

''It is incomprehensible to us that any reasonable person could believe that immigration reform plays no legitimate role in our response to the attacks. We are outraged that terrorists and murderers are able to frustrate efforts to deport them by claiming that they will be tortured upon being returned home. Even worse, when they have committed their heinous crimes overseas and are thus not easily prosecutable here in America, their use of the Convention Against Torture allows them to escape justice.

''We are strongly supportive of section 3031 and section 3032 of H.R. 10, which would end this intolerable abuse of our immigration laws. Members of Congress have promised us repeatedly over the last 3 years that they would honor our loved ones who were murdered 3 years ago by enacting reforms to ensure that Americans will never again face the same horror. We hope you will honor those promises by supporting the immigration provisions already in the bill and by opposing any efforts to protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

''Sincerely, the Board of Directors of 9/11 Families For a Secure America.''

Mr. Speaker, I do not know of anyone who can more eloquently speak to the importance of maintaining these provisions in the House bill in H.R. 10, when in other proposals, as the families would say themselves, that every other so-called 9/11 bill has completely ignored the central focus of the 9/11 tragedy, which is that individuals from outside our country came into our country, abused the process, and murdered our citizens.

Mr. Speaker, I submit the letter I read earlier for the RECORD.

9/11 FAMILIES FOR A SECURE AMERICA,
*New York, NY, September 28, 2004.*

Hon. JAMES SENSENBRENNER,
*Chairman, Judiciary Committee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN SENSENBRENNER: We are writing to express the support and thanks of 9/11 Families for a Secure America for the provisions in Title III of H.R. 10, the 9/11 Recommendations Implementation Act. These provisions would go a long way toward closing the loopholes that allowed 19 terrorists—all of whom had violated our immigration laws in one way or another—to enter and move freely around our country while they honed their plot to murder our loved ones.

We strongly urge the Members of the Judiciary Committee to retain the immigration provisions included in H.R. 10. We believe that implementation of Title III would improve homeland security dramatically and help to ensure that no other American families have to experience the devastating grief, the debilitating loss, and the overwhelming rage that we have known every day for more than three years now.

We are heartened by the inclusion in the bill of provisions that: require both U.S. citizens and aliens to prove their identity upon entry with secure, verifiable documents; preclude acceptance by Federal employees of consular ID cards; insist that DHS expand its use of expedited removal and prevent illegal aliens from abusing our judicial process to delay deportation; and increase the numbers of Border Patrol and ICE agents.

All of these provisions fall well within the scope of the 9/11 Commission's recommendations, and so should be enacted and implemented as quickly as possible. Our efforts over the past three years to get elected officials to recognize and address the current immigration crisis have taught us that even the most reasonable and sensible immigration reform proposals languish in Congress because our elected leaders are either blinded by special interests or afraid of being vilified by them. We commend you and the House Republican Leadership for your willingness to address immigration reform in H.R. 10, while the sponsors of every other so-called ''9/11 bill'' completely ignored it. It is incomprehensible to us that any reasonable person could believe that immigration reform plays no legitimate role in our response to the attacks.

We are outraged that terrorists and murderers are able to frustrate efforts to deport

them by claiming that they will be tortured upon being returned home. Even worse, when they have committed their heinous crimes overseas and are thus not easily prosecutable here in America, their use of the Convention Against Torture allows them to escape justice. We are strongly supportive of sections 3031 and sections 3032 of H.R. 10, which would end this intolerable abuse of our immigration laws.

There is, however, one glaring omission in H.R. 10. The 9/11 Commission specifically recommended enhanced cooperation with and training of state and local law enforcement officers on immigration law, yet H.R. 10 includes no mention of this recommendation. We hope you will bring up the CLEAR Act, H.R. 2671, for a full committee markup as soon as possible in order to complete the 9/11 Commission's work.

Members of Congress have promised us repeatedly over the last three years that they would honor our loved ones who were murdered three years ago by enacting reforms to ensure that Americans will never again face the same horror. We hope you will honor those promises by supporting the immigration provisions already in the bill and by opposing any effort to protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

Sincerely,

BOARD OF DIRECTORS,
*9/11 Families for a Secure America.*

Peter Gadiel & Jan Gadiel, Kent, CT, Parents of James, age 23, WTC, North Tower, 103rd Floor.

Monica Gabrielle, North Haven, CT, Wife of Rich Gabrielle, WTC, South Tower.

Will Sekzer, Detective Sergeant (retired) NYPD, Sunnyside, NY, Father of Jason, age 31, WTC, North Tower, 105th Floor.

Diana Stewart, New Jersey, only wife of Michael Stewart.

Bill Doyle, Staten Island, NY, Father of Joseph.

Sally Regenhard, Al Regenhard (Detective Sergeant, NYPD, Retired), Parents of Firefighter Christian Regenhard, Bronx, NY.

Bruce DeCell, Staten Island, NY, Father in law of Mark Petrocelli, age 29, WTC, North Tower, 105th Floor.

Grace Godshalk, Yardley, PA, Mother of William R. Godshalk, age 35, WTC, South Tower, 89th Floor.

April D. Gallop, Virginia, Pentagon Survivor.

Lynn Faulkner, Ohio, Husband of Wendy Faulkner, South Tower.

Joan Molinaro, Staten Island, NY, Mother of Firefighter Carl Molinaro.

Colette Lafuente, Poughkeepsie, NY, Wife of Juan LaFuente, WTC visitor.

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

Mr. GUTIERREZ. Mr. Speaker, how much time do the proponents have?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Illinois has 22½ minutes remaining.

Mr. GUTIERREZ. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, instead of passing one strong bill to make our country safer, the House bill has two divergent parts: the first part is the core bill, which includes a watered-down version of the intelligence reform provisions in the 9/11 Commission report. The second part is a campaign bill, which has some useful features, but also contains partisan controversial provisions, such as expanded deportation, unlimited detention, unnecessary environmental waivers, and unchecked databases designed to paint Democrats as weak on terrorism in the weeks before an election.

Several of these egregious provisions were eliminated on the House floor, but the re-vote on the Smith amendment persuaded me that the bill's sponsors were not seeking common ground, but were making 30-second attack ads. I voted in committee to report the bill in order to move the process forward, and I will work my heart out in conference to strengthen the intelligence reform provisions and conform the other provisions to what the 9/11 Commission recommended.

Let me focus on what strengthening the intelligence provisions means. Our first priority in the conference report should be to strengthen the National Intelligence Director, called the NID. I agree with the statement of administration policy on H.R. 10 that ''H.R. 10 does not provide the NID sufficient authorities to manage the intelligence community effectively.''

H.R. 10's budget authorities are weaker than S. 2845; and, stunningly, they are weaker than current statutes and executive orders which allow for the transfer and reprogramming of funds by the Director of Central Intelligence. Under H.R. 10, money is simply passed through the NID to the various intelligence agencies. Unless the NID has the power to manage and control the budgets of these agencies, he or she will not be able to integrate our intelligence capabilities effectively.

Moreover, the President is not the NID's only customer. We must ensure that the NID addresses the needs of the Departments of Defense, State, Homeland Security, and the war fighters when budgets are built and executed. Our efforts must not lead to the dismemberment of the National Foreign Intelligence Program, the NFIP, or we will end up with less integration than we presently have.

To be crystal clear, Mr. Speaker, neither bill, let me underscore this, neither bill includes the budgets for tactical intelligence. And no one is recommending that they be included. To repeat: no one has recommended that the budgets of our tactical intelligence agencies be included in the structure we are building under this legislation.

The NID also needs greater personnel management authorities. S. 2845 provides this authority, but H.R. 10 does not. The leaders of the intelligence community must believe they work for the NID in addition to their Department Secretaries. Consultation on appointments, which is what H.R. 10 includes, is insufficient. The NID must at least have the power to concur in key appointments. To enable the NID to create a joint culture, he or she must also be able to transfer people to centers and other multidisciplinary teams.

Congress solved the problem of a weak Chairman of the Joint Chiefs of Staff 20 years ago by mandating joint assignments for promotion and creating a joint career track. The same must be done for the NID. After all, the NID is our attempt to create Goldwater-Nichols jointness for the intelligence community, just as we have done for the military.

Third, the director of the NCTC, the National Counterterrorism Center, must have significant stature. Presidential appointment and Senate confirmation of the NCTC director is critical to give that post the stature and accountability that it requires. The President and the Senate overwhelmingly support this.

Fourth, the conference report should include the provision of S. 2845 to create a trusted information-sharing network so government agencies can connect the dots about the terrorists. Simply declaring the need, as H.R. 10 does, is woefully insufficient.

And finally, it is imperative to develop mechanisms to ensure that actions of the NID and NCTC do not encroach upon our civil liberties. We must create an independent privacy and civil liberties board, which was supported on a bipartisan basis in the House Permanent Select Committee on Intelligence and then stripped in the Committee on Rules, recommended by the 9/11 Commission and included in S. 2845. These intelligence provisions began here in the House with H.R. 4104, but they stalled here because our leadership pursued a partisan path and because the President's endorsement of S. 2845 was not followed up with constructive effort in the House.

We know how to do this right, Mr. Speaker, and we must. We can never replace the loved ones we lost on September 11, but we can honor them and the bravery of those who came to their rescue by uniting in this conference in the next several weeks to enact real reform. I pledge to do my part.

Mr. HOSTETTLER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the majority whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time. I also want to thank all my colleagues, many of whom voted for this bill just moments ago on both sides of the aisle, for the work they put into this, to the time they have spent on this, to the important discussion of how we secure our borders more carefully, how we maintain our security in a greater way, and how we look at intelligence-gathering and -sharing differently than we needed two generations ago, in the late 1940s, when this was done the last time. This makes our work very important as we move forward.

The work of the conferees will be challenging. We have given them a strong product with a strong vote. I think this motion to reinstruct in several areas just simply reaches too far. I spoke earlier today about the importance of what do we do, what do we do with people who come to this country

and have criminal backgrounds from another country.

These are not people we think are criminals or might have been criminals. These are people who we know are criminals or we know are terrorists. These people may come from countries that are not very great countries. What we did today was change the bill so that we would not be forced to send them back to that country, if in fact we can figure out how to detain them in an appropriate way here.

I gave the example this morning of a person, and this is an absolute case of someone who, in Jordan, was convicted of conspiring to bomb an American school. That person came to America. He then sought sanctuary on the basis that he should not be sent back to Jordan because they use punishments we would find inappropriate. And we all agree on that. But under our current law, the only thing to do was to let him then go to an American community to live.

Well, an American community is full of American schools. So here we have someone who is guilty of conspiring to kill American kids in a school in Jordan, and our only current remedy appears to be, according to the courts, to send him to a community in America to live, which is full of schools that have American kids.

This motion to instruct says we should eliminate that language and go back to the current environment, where the only choice is for that person to go into the American community. In this case, that was a terrorist, Mr. Speaker. In other cases we know of someone who was a murderer, or a pedophile, or a rapist. We need better ways to deal with people who abuse the open arms that America has traditionally had.

That is just one area of many that this motion to instruct specifically addresses. So if in fact you vote for this motion, you are voting to maintain the status quo. And I think my friends would almost all agree the status quo, in that instance, as I described it, is not an acceptable alternative for us to have.

We are searching for alternatives here that work better. I hope we let this process go on. I hope we let our conferees work on this hard job in the best way they can. I hope we defeat this motion to instruct.

Mr. GUTIERREZ. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I first want to thank the distinguished gentleman from Illinois for yielding me this time and for his leadership.

I am delighted the majority whip was just on the floor, because I really want to make the point that when we look at the questions of immigration, and I think a lot of these points on the motion to instruct the gentleman has offered refer to immigration issues, but they also refer to issues of asylum and refugees. When we sit with our constituents and we explain what America has stood for over the years, its principles based upon not only immigration but the questions of allowing people to come and seek refuge and allowing people to seek asylum in the course of running away from persecution and torture and the devastation of a despotic government, you find commonality.

That is, I think, what we are trying to do with the motion to instruct as the conferees move forward. We are trying to find the kind of commonality that, frankly, the White House has asked us to find, and I might be very straightforward and say the families of the 9/11 victims have asked us to state and to find. We know that immigration concerns raise their ugly head all the time. H.R. 10 is, frankly, not the vehicle to engage in that discussion without the proper hearings and understanding what would work best.

I just want to refer again to the administration's position on H.R. 10. It clearly says that the administration strongly opposes the overbroad expansion of expedited removal authorities. The administration has concerns with the overbroad alien identification standards that are proposed by the bill and believes they are unrelated to security concerns.

□ 1615

This is the same administration that signed into law the Department of Homeland Security and has as its head Secretary Tommy Ridge. The President goes on to say, signed by my good friend Alberto Gonzalez, the counsel to the President as relates to the issue of torture. Unfortunately, the two Smith amendments did not succeed. And so I think it is important for the conferees to hear again what the President said and the President said in this letter by way of his counsel, ''The President did not propose and does not support this provision and a provision that would permit the deportation of certain foreign nationals to countries where they are likely to be tortured.''

Some would say that that has been corrected. It has not. Because what the Hostettler language says, with all due respect to my good friend, is that we will ask the countries not to torture this individual, but it is to be asked by the Secretary of State when, in fact, that is not a true protection because we know that we have asked many things, and we have received none.

I frankly believe that we are losing the focus that the 9/11 families would offer to us. As I look at the language in the 9/11 Commission report on the immigration and law enforcement issues, they have indicated that this is an important concept and that we should begin looking at securing identification in the United States. But the fundamental question that was asked by the families on H.R. 10 to be adopted by this commission, by a bipartisan commission, Chairman Kean and Vice Chairman Hamilton, was to fix the intelligence system to give us one director of intelligence with budgetary authority.

I would only say that some of the provisions that the gentleman is asking us to consider striking or a motion to instruct in order for intelligent decisions to be made really go to the full understanding of the American public, their compassion, their sensitivity, their belief in the Statue of Liberty's principles of people coming over. This is not to say that we do not deport terrorists. It is not to say that we do not detain them. It simply suggests that we should not water down the protections that we have that undermine the values of this particular Nation as well as the legal principles that we have of judicial review and as well as the protections we have had for those seeking asylum and those who are seeking to be a refugee.

The expedited procedures, Mr. Speaker, are not procedures that provide any security. I will say this as I close. All of these provisions are subject to mistake, a mistake that can cost someone their liberty, can cost someone their possible life, and certainly mistaken identity is rampant as we try to fix this security system. I need not speak about Yusuf Islam, Cat Stevens, who came to this country just a few months ago and met with White House officials on the faith-based initiative. Lo and behold, he was deplaned in Maine, his daughter sent on, he was sent back because of a mistake.

I would ask my colleagues to look seriously at this motion to instruct. It will not undermine the conferees. It will give them guidance for what may be a consensus position on H.R. 10 for all of us to vote on.

Mr. HOSTETTLER. Mr. Speaker, I yield myself such time as I may consume to talk specifically about one of the sections that are being considered for removal as a result of the motion to instruct, section 3005, which addresses the importance of verifiable documentation for aliens and their identification.

First of all, we need to understand what the section does not do. It does not prevent aliens from presenting other foreign documents to open bank accounts in this country. And it does not prevent aliens from presenting other documents in addition to the documents listed. Thus, an alien could also present a driver's license so long as the alien presents a designated document.

What the section does do, however, it requires aliens to present secure documents. It prevents the aliens from using consular identification cards, as we have heard about earlier, issued by foreign agents to aliens present in the United States.

Mr. Speaker, I would like to say that those foreign agents in the United States issue them only to their nationals, but we will learn later that that is in fact not the case, and that they will issue them for purposes of getting into

the secure sections of airports or onto Federal facilities. Those documents should be secure, and they should be safe from fraud.

The FBI has told our Subcommittee on Immigration, Border Security, and Claims that the most commonly issued of those documents is the Mexican matricula consular. The matricula consular has been accepted in this country for over 100 years, documentation that would allow a Mexican citizen while legally present in the United States to have contact information with their government, namely, a consular office in the United States. That has happened for, as I said, a long time in this country.

But the concern that we have is the newly issued Mexican matricula consular is not reliable. It is vulnerable to forgery and, most significantly, poses a terrorist threat. We had then Assistant Director of the FBI's Office of Intelligence Steve McCraw testify before our committee. He concluded that domestic acceptance of the matricula cards in the United States poses a law enforcement and national security risk. He stated that the criminal threat stems from the fact that the matriculas can be a perfect breeder document for establishing a false identity which can facilitate a wide range of crimes, including money laundering. He told of individuals who were arrested with multiple matriculas, each with the same photo but different names, and some of whom had matching driver's licenses to go with the identities proposed on the matricula cards. He concluded that the terrorist threat posed by these cards is the ''most worrisome'' to the FBI.

He went on to say, ''The ability of foreign nationals to use foreign cards to create a well-documented but fictitious identity in the United States provides an opportunity for terrorists to move freely within the United States without triggering name-based watch lists, those watch lists that we think are going to save us from the next round of 9/11 attacks. But these kind of cards will actually keep individuals from being cross-referenced on these lists. These lists are disseminated to local police officers.'' Nor is the danger posed by those documents only as breeder documents. For other documentation, notwithstanding their vulnerability to fraud and abuse, consular ID cards can be presented to board an airliner. We know of cases like that.

I said earlier, Mr. Speaker, that it is suggested that these cards, especially the matricula consular, they are the most prevalent of the consular ID cards, but quite honestly, there are several foreign governments who are witnessing, observing the success of the issuance and acceptance of these consular identification cards by Mexico, the matricula consular, and they seek to follow them in issuing their own. They are supposed to go to individuals who are nationals of these particular respective foreign governments. But we know that these cards have been issued to non-Mexican nationals in the United States, including at least one Iranian.

Mr. Speaker, at the U.S. Air Force Academy, during a particular set of arrests, employees with matricula cards were found to be employees of the Air Force Academy, but they were not Mexican nationals. They were Guatemalans. The Mexican government had either issued a matricula consular to a non-national or these cards had been so easily created by fraudulent means that they were able to obtain cards very similar to the real cards.

It is critical, Mr. Speaker, that these insecure documents not be accepted for identification purposes to enter secure areas, such as boarding an airplane. That is why we cannot strip out any of the provisions in title III and especially section 3005.

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

Mr. GUTIERREZ. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I heard the distinguished gentleman reading and listing a litany of speculative uses of the matricula card that he is speaking of. Let me just say that one of the things that he also said is that the card has been used for 100 years, and there has been no evidence over the 100 years of that kind of use.

But we are not in disagreement over the underlying principle that we can ultimately provide ways of securing and standardizing any card. I have spoken to law enforcement officers in my own community that have not seen any abuse of the use of such cards, and I think the opposition of the White House for these extraneous immigration provisions is just that. We have seen no evidence, we have had no hearings and we have no standards that can be set by adding these provisions on without more study.

I would just simply ask my colleagues to support the motion to instruct.

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

Let me, first of all, read from the 9/11 Commission because I think it is pertinent at this point. In section 3051 through 3056, in paragraph 3, it says, ''Far from calling for sweeping anti-immigration legislation, the commission understood that we should reach out to immigrant communities. Good immigration services are one way of doing so that is valuable in every way, including intelligence-gathering. Congress needs to pass meaningful reforms proposed by the 9/11 Commission and not insist,'' and I hope the gentleman from Indiana read the 9/11 report; it says ''not insist on a divisive anti-immigrant agenda that the commission rejected and has nothing to do with preventing another attack.''

Not one of those individuals that committed the heinous act on 9/11 had a matricula consular. As a matter of fact, they were issued by the government of the United States of America, and they either entered this country illegally through borders, not south of here but through the Canadian border, and through other means, legally and illegally, into this country. So let us stop trying to confuse one thing with the other.

Anyone listening to the gentleman from Indiana would think that the government of Mexico issues a matricula consular, and all of a sudden you skip and jump and you are in the United States of America, and you get a Social Security card, you get all of the benefits of being here, and you have got a passport, and you are free. If an INS agent, and I would like the gentleman from Indiana to answer that, if an INS agent stops someone with a matricula consular and says, I want identification from you, prove you are legally here in the United States of America, and gives them a matricula consular, answer the question, will that person not or will that person be deported? He knows that person will be immediately deported from the United States of America because we do not recognize that as a legal means of staying in the United States. It is not a passport. It is not a visa. It does not entitle that person to legally be in the United States of America, and the gentleman from Indiana knows that. He is too smart. He knows too much about this issue to be fuzzy or wary on this issue. You cannot stay in this country with a matricula consular.

What does it allow us to do? It allows an immigrant to open up a bank account so they can send money back, hopefully in a good way, back to their loved ones in their countries. That is what it allows them to do. It allows them to take their American citizen children and enroll them in school. It allows them to communicate.

Anybody listening to the gentleman from Indiana would think the Los Angeles Police Department have lost their minds, the New York Police Department have lost their minds, the Chicago Police Department have lost their minds. They like the matricula consular, as do hundreds of police departments across this country, because it ensures the safety and allows them to gather intelligence and information and allows people to cooperate with them. That is safety on our streets and intelligence-gathering. Let me just say, because this matricula consular, anybody thinks you get one, and it is magic. I go to a job, I say: Here, I have got my matricula consular, give me a job. You know, you cannot get a job with a matricula consular.

Lastly, let me say this. He skips over one important part. You have got to be in the United States of America to have a matricula consular, so you must have evaded something. Why do you want a matricula consular if you are already legally in the United States of America? To open up a banking account. That is the purpose. Let me just

say that people, hundreds, and the gentleman knows this, hundreds of people die crossing the border between Mexico and the United States. They drown in the Rio Grande, or they die in the desert. The terrorists know, come through Canada. If we put 90 percent of our resources, that is why they are not going to come through. They are going to find other means. We should look for every possible way to stop them, but this is not going to stop them.

As the commission says in their own report, don't use a divisive, anti-immigrant agenda the commission rejected and has nothing to do with preventing. This is the 9/11 Commission report. We should not do that, because it has nothing to do with preventing.

Lastly, you want to deal with the issue of undocumented workers. You and I will both agree and sign on a piece of paper, and we will have the Justice Department notarize it. There are 10 million undocumented workers in the United States of America. This Congress has not shown the political will nor has it put forward the requisite resources to deport them, nor will it ever.

□ 1630

This country needs and thrives on their work, and we all know it. So if we really want to deal with the immigration problem, then let us get an immigration bill, at least start with what the President, George Bush, said on January 7. Let us begin a national debate and an honest discussion of the undocumented workers that live in this country and let us integrate them so that the FBI, the CIA, our police departments have their fingerprints where they work, where they bank. And then, after we have eliminated those 10 million, because we know who they are and where they work and where they bank and where their children go to school and where they live, then we can reduce the number of people down to maybe the real terrorists that hide among them.

Let us do that honestly. But let us not use another anti-immigrant attack within a bill, H.R. 10, which does such a disservice to the families of the lost ones of 9/11.

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

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

If I can just speak briefly about the gentleman's comments with regard to an individual who is in this country that presents only a matricula consular card for identification, according to former intelligence director for the FBI, Steve McCraw, his testimony before our subcommittee said that really the only people that need to use a matricula consular exclusively for identification purposes are illegal aliens, simply because those that are in the country, that are present in the country legally, have other forms of secured documentation such as a passport or a visa or the like.

But the gentleman suggested in his comments that if a person supplies exclusively a matricula consular card to a law enforcement agent that they will be immediately deported. Mr. Speaker, they will not be immediately deported if the gentleman's other provisions in this motion to instruct are taken out, and that is portion 3006, which calls for expedited removal.

If the gentleman is saying that he wants those people immediately deported that only supply a matricula consular card for identification, I would accept, under unanimous consent, to have section 3006 stripped out of his motion to instruct. I do not think that is going to happen because the gentleman does wish to remove expedited removal provision from the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN), a member of the Committee on the Judiciary.

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

I would like to step back for a moment and just talk briefly about the situation we find ourselves in. In the months after 9/11, in fact, in the days after 9/11, we instantly heard certain names of terrorists, Osama bin Laden, obviously, and a few others. And I think we were misled into believing that somehow these were the only problems that we had, that these individuals were the extent of our terrorist problem.

What we have learned in the months since then and what we have learned through the 9/11 Commission's work and its predecessor, the Joint Committee of Inquiry here in Congress, is that any terrorist operation is built upon a network. It is not one individual or even a couple of individuals, but there is a whole network of individuals who each plays a specific role, has a specific job, whether it be identity documents or scoping out buildings or providing training or providing intelligence or recruiting or whatever it may be.

What we have learned, I think, in these months since the tragic days of September 11 is that if we are going to be successful in protecting this Nation, we cannot focus solely on the trigger man or the guy who plants the bomb or the guy who drives that rigged truck, because we can remove those individuals and more may pop up.

Instead, we have to go over every link in the chain. We have to go after those who provide material support, who provide the shadows in which terrorists hide, who scope out the building and provide the intelligence and the diagrams, who provide the transportation, who provide the forged documents, who put the trigger men in place to do their terrible deeds.

The 9/11 Commission was very clear in saying that its report was not legislation. It understood that its report would need to go through the legislative process, and it has. And I believe the legislation that this body produced, H.R. 10, not only carries the spirit and concepts of the 9/11 report, but based upon the experience that we have all had and all that we have learned, I think it adds a lot to it.

It is only the House version of this bill that goes after every part in that network. It is only the House version of the bill and, in particular, the provisions that came out of the Committee on the Judiciary that are aimed at breaking each of the links in making sure that we go after the recruiters of terrorists, those who provide the military training, those who recruit and, as well, the ranks of terrorist organizations.

We have to go after them as surely as we go after those who have placed that bomb. If we do not, we cannot win.

And I think we also recognize that by the very nature of terrorist operations, we cannot wait until after the terrible act has occurred. We have to disrupt it. We have to prevent it. We have to break that chain. We have to disrupt that network. We have to find those who give material support to terrorism, whether it be the military training or the logistics. We have to remove them. Unless we remove those individuals, we cannot succeed.

So the question I think we have before us today with this motion to instruct is whether or not we are going to take a very narrow approach, which is what some would suggest, and I would argue the Senate bill would do, which is incomplete, which does not get after every link in the chain, which does not really go after the network, which does not have the material support provisions in it; or whether or not we are going to be serious, whether or not we are going to take that comprehensive approach that I can, as a young father, be proud of because I know that it makes this country a safer place for my kids to grow up in.

Make no mistake, when this legislation is signed by the President, there will be some time that passes before we are able to take up some of the new steps that the other side would have us remove. The clock is ticking. We have heard a number of terrorism experts refer to this as a race against time. I agree, it is. We have to get this right. We have to be bold. We have to go after that network. We have to go after every link in the chain. We have to remove them. We have to prevent them from coming into place.

We have to send a signal to those who would recruit terrorists. We have to send a signal to those who would become recruits. They are our enemy just as surely as the man or the woman that pulls the trigger. That is the experience, I think, that this world has had in the sad months since September 11.

I urge my colleagues to avoid the motion to instruct because it falls short. It does not do the job. It does not go after the network. It will not break the links in the chain.

I have said it before. I think, as we all look back on the years leading up to 9/11, I think we have to agree that a storm was gathering in the terrorist world and too many of our leaders, and this is not a partisan comment, too many of our leaders looked the other way. The question is now whether, 10 years from now, 15 years from now, whether or not our successors will look back at this Congress and say either they did the right thing, they took a bold comprehensive approach, or, let us hope not, they looked the other way and they fell short.

I urge my colleagues to vote against this motion to instruct.

Mr. HOSTETTLER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank our chairman for the excellent work he has done this session as we have looked at immigration issues and have worked hard to be certain that we address the things that are of great concern to the American people and to our constituents.

And it is of concern that we have this motion to instruct to strip apart H.R. 10. And, of course, our opponents of H.R. 10 and our colleagues across the aisle are using impassioned talk to generate emotion on this issue, but what we have contained in H.R. 10 and in the provisions that they are wanting to lift out of that bill, wanting to move away, are just good, solid, commonsense legislation.

I disagree with my colleague across the aisle. He was talking about law enforcement officials and asking if they had lost their minds. I do not think they have. The ones in my district definitely have not.

They are very concerned about this, and I have been working with them since my days in the Tennessee Senate, working to address the driver's license issue and how that affects the American people. And they would choose to remove that from H.R. 10, and it is important.

We have got to be certain, as we look at our Nation's security, that we take very careful steps not to reward individuals who are going to choose to break the law to get here. We have to have great respect for the rule of law and be certain that we continue to have policies that require and reward those that respect the law.

Section 3052 that they are wanting to pull out does address the driver's license situation, having legal documents for driver's licenses. It is not a mandate. It does not set up a national database, and this section has been worked on very carefully. The gentleman from Virginia (Mr. TOM DAVIS) out of the Committee on Government Reform, and the gentlewoman from Michigan (Mrs. MILLER), who was secretary of state, have worked diligently on this issue to be certain that we know that the people who are getting a driver's license, a valid government I.D., are here in this country lawfully, that they have an official passport to be here lawfully. And it gives guidance to our States so that States can continue to have reciprocity for the use of those driver's licenses.

The provisions that are contained in 3052 are good, solid, common-sense provisions. It is something that our States, every single State in this great Nation, will know that they can depend on, that other citizens will know that they can depend on, that the individuals that work the TSA, that are looking at driver's licenses, that are allowing people to get on planes, they will know that this is a valid document and that the person who holds that document in their hand is who they say they are and that they are here and having presence in this country legally.

I would encourage my colleagues to oppose the motion to instruct. I would encourage my colleagues to support H.R. 10, the provisions that have been worked on, the provisions we have worked on with our State legislators so that we help them, help them to have the assurance that the documentation that is before them is real, it is valid; and so that the immigrant community knows that we are honoring those that choose to obey our laws, to work hard and to come here seeking hope, opportunity, and freedom.

Mr. GUTIERREZ. Mr. Speaker, I yield myself 2 minutes.

First of all, I will insert into the RECORD, since obviously the majority has not read it, a statement of administration policy dated October 7, 2004, from the White House, George Bush's White House. In it, it says on page 2, paragraph 3: ''The administration strongly opposes the overbroad expansion of expedited removal . . . The administration has concerns with the overbroad alien identification standards proposed by the bill that are unrelated to security concerns.''

□ 1645

This is the President of the United States of America, the leader of your party that you went to New York and nominated, who is going to debate Senator JOHN KERRY tonight.

So if you are right, Senator JOHN KERRY could say tonight to President Bush, You have standards that are less secure because you believe that people should be expedited and should not be expedited.

You believe they should not be, that the matricula consular somehow allows illegal criminals, murderers, rapists and others to roam around our country; that you oppose their quick and immediate deportation; that you are giving harbor to terrorists in the United States of America.

If we are to believe what the Republican majority has just said, and President Bush has contradicted your position in his letter of official policy, then somebody is wrong and somebody is right here. But I do not think your colleague, the President of the United States, is weak on national defense. I do not think the Republican majority is saying to the President of the United States that he thinks it is a good idea to have murderers and rapists and other criminal elements freely being able to roam the United States of America. Yet, indeed, if you are right, that is what the President supports, because we have his official document of the administration policy, and he says remove this kind of language from the document, that we support it.

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

Mr. Speaker, I appreciate the gentleman's comments from Illinois with regard to his support of the President. It looks like Illinois this year may be in fact in play, the electoral college.

But I do want to remind the gentleman that we do have three branches of government, and we have all been sent here to represent our various constituencies with regard to these very important issues of national security.

Going back to the letter that I have submitted for the RECORD from the 9/11 Families for a Secure America, I know that the gentleman is very impassioned about his support for immigration, and I very much appreciate it. We are a Nation of immigrants. But I think it is important for us to refocus on what actually took place on 9/11 and what the American people are asking us to do.

The 9/11 Families for a Secure America said, ''Our efforts over the past 3 years to get elected officials to recognize and to address the current immigration crisis have taught us that even the most reasonable and sensible immigration reform proposals languish in Congress.'' They do not languish in the House of Representatives, after we defeat this motion to instruct ''because our elected leaders are either blinded by special interests or afraid of being vilified by them.''

Mr. Speaker, if 9/11 repeats itself, and I have said this to our neighbors to the north in Canada who have had representatives from their government, from their legislative bodies, come and speak to us about issues important to immigration, issues important to both of our countries, if the tragedy of 9/11 repeats itself in this country, then my colleague from Illinois and others from Canada and Mexico will long for, will yearn for, the good-old-days when we considered what will then be considered minimalist reforms to our immigration policy.

To not require that anyone receive relief under the Convention Against Torture, the gentleman talks about expedited removal and the concern that he has with regard for that. Our amendment changed the underlying bill to allow for Convention Against Torture and asylum claims to go ahead unimpeded by the new provision that calls for expedited removal. So we will not be sending individuals who have a very reasonable fear of being tortured

and abused in their home countries if they are returned. Those that really do have a reason to fear for their safety in another country and for their abuse there will be able to obtain relief in this country.

But for those that abuse the immigration process, as the 19 did who perpetrated 9/11, we must maintain these immigration provisions in the bill so that we deal with that very important problem and we do not allow 9/11 to repeat itself and do not come to a point in the future where the American people require us to do much more difficult things, make much more difficult decisions, and cause us to greatly restrict the influx of immigrants into our country.

In the words of families affected most directly by 9/11, these are reasonable and sensible immigration reform proposals. They should not be stripped out. I beg my colleagues not to vote for the motion to instruct, but in fact vote against the motion to instruct.

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

Mr. GUTIERREZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just say the following. In the same letter from the George Bush administration, it states: ''The administration has concerns with overbroad alien identification standards proposed by the bill and unrelated security concerns, and believes that the States, as in the Senate bill, should work these things out.'' So there are provisions for securing driver's licenses and making sure that they are secure. We have that in the Senate bill.

The gentleman keeps speaking about the 9/11 families. I have an open letter from the 9/11 families, the same families that came to testify before the Congress of the United States, in which they say ''recommendations.'' ''We have heard that the House bill to implement 9/11 Commission recommendations also includes provisions to expand the U.S. PATRIOT Act and reform immigration law in ways not recommended by the commission and which we are against.'' This is the 9/11 families.

Look, anybody listening to this debate would think that if tomorrow somebody who works in Washington State picking apples, and I think the gentleman from Indiana and I would agree that most of the workers in the field of agriculture in Washington State are undocumented here in this country, without legal documentation, picking our apples, let us use that as one example, do you think if you do not give them a driver's license, they are going to stop coming? Do you think if you take away the matricula consular and they cannot get a bank account, they are not coming? Do you think if we pass every other kind of ID requirement, they will stop coming?

They are going to keep coming, as long as in this country there are apple growers who need their work and Americans like you and I that were born here who will not do the work. So let us face it, these are obscuring the real issues we have before us.

I would suggest to the gentleman that he says that maybe the State of Illinois is in play in the electoral college. We just elected a Democratic Governor in the State of Illinois and the former Republican, how ironic, the former Republican Governor of the State of Illinois is currently under indictment by the Federal Government. Do you want to know why? For issuing bogus driver's licenses and taking bribes for them. That is a fact.

Unfortunately, let us have a debate on immigration policy that is really about immigration and security concerns that are really about security.

Mr. Speaker, for the RECORD I include the statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of H.R. 10 and appreciates the efforts of the House Leadership and Committees to bring this legislation quickly to the Floor. The Administration looks forward to working with the House and Senate in conference as they resolve their differences on intelligence reform legislation so that it can be enacted as soon as possible The Administration looks forward to working with Congress to address its concerns with the bill, including those described below, and to ensure prompt enactment of necessary legislation to create a strong National Intelligence Director (NID) with full budget authority and other authorities to manage the Intelligence Community, and to provide statutory authority for the newly created National Counterterrorism Center (NCTC).

The Administration appreciates that H.R. 10 has been revised to clarify the authorities of the NCTC and the definition of national intelligence. The Administration is also pleased that H.R. 10 would prevent disclosure of sensitive information about the intelligence budget. Disclosing to the Nation's enemies, especially during wartime, the amounts requested by the President, and provide by the Congress, for the conduct of the Nation's intelligence activities would be a mistake.

Legislation proposed by the President provides the NID with full budget authority, including clear authority to determine the national intelligence budget, strong transfer and reprogramming authorities, explicit authority to allocate appropriations, and the ability to influence the execution of funds by national intelligence agencies. The Administration is concerned that H.R. 10 does not provide the NID sufficient authorities to manage the Intelligence Community effectively.

The Administration looks forward to working with the House to improve a number of provisions relating to appointments. In particular, the Director of the NCTC should be appointed by the President, and the appointment of certain other officers as proposed in H.R. 10 may raise constitutional issues.

The Administration remains concerned about other provisions 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 and preserve constitutional rights.

The Administration commends and supports provisions of H.R. 10 that promote the development of a secure information sharing environment under the direction of the NID while also providing flexibility concerning its design and implementation. We look forward to working with Congress to address some concerns with the degree of specificity of provisions concerning interoperable law enforcement and intelligence data systems.

In addition to provisions concerning the NID, the NCTC, and other core issues responsive to the Administration's proposal, H.R. 10 contains a number of additional provisions, some of which are discussed below.

The Administration strongly supports those provisions of Title II that ensure the Intelligence Community and others in the war on terror have all the necessary tools to prevent terrorist attacks—including provisions to prevent attack by ''lone wolf'' terrorists and enhanced provisions to deny material support to terrorists, prevent attacks using weapons of mass destruction, and further dry up sources of terrorist financing. These and other additional antiterrorism tools would help keep America safer.

The Administration also supports those provisions of Titles II and III that will better protect our borders from terrorists, while still maintaining our traditions as a welcoming Nation. In particular, the Administration supports efforts to allow visa revocations as a basis for deportation and provisions concerning the judicial review of immigration orders, as in Section 3009. The Administration strongly opposes the overbroad expansion of expedited removal authorities. The Administration has concerns with the overboard alien identification standards proposed by the bill that are unrelated to security concerns. The Administration welcomes efforts in Congress to address the 9/11 Commission's recommendations concerning uniform standards for preventing counterfeiting of and tampering with drivers licenses and birth certificates, but believes that additional consultation with the States is necessary to address important concerns about flexibility, privacy, and unfunded mandates.

Section 3001 acts to close a security gap by eliminating the Western Hemisphere exception for U.S. citizens. The Administration intends to work with the Congress to ensure that these new requirements are implemented in a way that does not create unintended, adverse consequences.

The Administration strongly opposes section 3032 of the bill. The Administration remains committed to upholding the United States' 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 countries where the United States believes it is more likely than not they will be tortured. The Administration is willing to work with the Congress on ways to address the Supreme Court's decision in *Zadvydas* v. *Davis*, 533 U.S. 678 (2001), insofar as it may constrain the detention of criminal aliens, while they are awaiting removal, or limit the government's authority to detain dangerous aliens who would be removed from the United States but for the fact that they are afforded protection under the Convention Against Torture.

Title IV contains a number of provisions that purport to establish the policy of the United States on foreign policy issues, require the Executive branch to negotiate certain international agreements, direct how the President will use the voice and vote of the United States in international institutions, direct the content of diplomatic communications with foreign governments, direct the make-up of U.S. delegations to multilateral meetings and negotiations, and require that plans and strategies to achieve specified foreign policy objectives be submitted to the Congress. These provisions are

inconsistent with the President's constitutional authority with respect to foreign relations, diplomacy, and international negotiations. Therefore, these provisions should be eliminated or cast in precatory rather than mandatory terms.

In Title V, the Administration commends the provisions that add to the Secretary of Homeland Security's flexibility in providing first responder grant funds to certain high-risk areas, but has concerns about border state funding mandates which reduce that flexibility. The Administration opposes provisions in Title V that would create inequities in personnel policy between the FBI and other law enforcement agencies, and looks forward to working with the Congress on a separate and comprehensive reform of law enforcement pay and benefits. The Administration also opposes provisions that would encumber the Federal rulemaking process with duplicative and burdensome new requirements.

The Administration opposes Section 5043 of the bill, which would eliminate the level playing field established for all three branches of government by the Government-Wide Ethics Reform Act of 1989, creating a new regime of non-uniform ethics laws. The financial disclosure process should be modernized to reflect changed circumstances. The Administration urges Congress to adopt the bill to modernize government-wide financial disclosure submitted by the Office of Government Ethics to the Speaker on July 16, 2003.

The Administration is also very concerned about the dozens of new reporting requirements contained in the bill. The Administration will continue to work with the Congress to eliminate or reduce the burden created by unnecessary or duplicative statutory reporting requirements, while respecting the responsibilities of the Congress.

The Administration is also concerned about provisions in Title V that would, taken together, construct a cumbersome new bureaucracy, duplicate existing legal requirements, and risk unnecessary litigation. The Administration urges the House to delete or significantly revise these problematic provisions.

The Administration notes that the Committee bill did not include Section 6 (''Preservation of Authority and Accountability'') of the Administration's proposal; the Administration strongly supports inclusion of this provision in the House bill. The Administration's proposal also provides necessary additional authorities for the NID to be able to effectively operate the Office of NID; however, H.R. 10 does not provide the NID with these additional authorities. The legislation should also recognize that its provisions would be executed to the extent consistent with the constitutional authority of the President: to conduct the foreign affairs of the United States; to withhold information the disclosure of which could impair the foreign relations, the national security, deliberative processes of the Executive, or the performance of the Executive's constitutional duties; to recommend for congressional consideration such measures as the President may judge necessary or expedient; and to supervise the unitary executive.

Finally, the Administration has concerns with a number of other provisions in the bill and looks forward to working with Congress to address them as the bill proceeds.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Representative GUTIERREZ's motion to instruct on H.R. 10, I must oppose this motion to instruct.

This motion specifically instructs the conferees to remove sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054, 3055, and 3056, something I agree with. However, his motion to instruct also calls conferees to recede from the entire House amendment and thus accept Senate bill, S. 2845, which has some very unacceptable provisions. One such provision exposes the funds we spend on the intelligence community.

Even though he references immigration provisions, which forced me to vote against the House bill, his motion to instruct has the purpose of accepting the entire Senate bill. This is something I cannot agree to.

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

There was no objection.

The question is on the motion to instruct offered by the gentleman from Illinois (Mr. GUTIERREZ).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–769) on the resolution (H. Res. 843) waiving points of order against the 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 831 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 831

*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 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. 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, last night the Committee on Rules met and passed this resolution 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 Committee on Rules against certain resolutions reported from the Committee on Rules.

The waiver authorized by this resolution applies to any special rule reported on the legislative day of Friday, October 8, 2004, providing for the consideration or disposition of a conference report to accompany the bill H.R. 4200, the Defense authorization conference report for fiscal year 2005. I would advise my colleagues that adoption of this resolution is made necessary because the work of the conferees on the Defense authorization conference report has taken longer than anticipated.

I believe it is imperative that the House considers the proposed conference report on Defense authorization as soon as possible. The last thing we would ever want would be for the necessary armor and weaponry needed by our Armed Forces to be held up or delayed in any way.

My friend from Texas has always been a strong supporter of our military. I trust he, too, would prefer to rapidly approve the Defense authorization conference report; and to that end, I urge my colleagues to support this rule.

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, I have always been proud to support the Defense authorization bill in the House, and this year is no exception. The conference report on the Department of Defense Authorization Act helps ensure the safety of our fighting men and women around the world. It provides them with the tools they need to fight the war on terror, and it provides much-needed benefits that will improve the quality of life for them and their families.

Mr. Speaker, I strongly support moving the conference agreement forward because of its importance to our national security and to our troops in the field.

While I will not oppose this martial law rule which will allow the House to

consider the conference report before we adjourn for the elections, I must take a moment to note there are Members on this side of the aisle who are concerned about rushing to adopt the conference report before Members who were not on the conference committee have an opportunity to study its provisions. It has been the habit of the Republican leadership during this Congress to effectively deny Members the right to know what we are voting for or against.

I cannot oppose this martial law rule, but I think it is long past time when the Republican leadership of this body stops depending on party loyalty to pass bills and instead moves towards ensuring that legislation is considered in a bipartisan manner. That is the best thing for the country and, in the end, best for both political parties.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to express my strong support for provisions in the Department of Defense conference report which reform the Energy Employees Occupation Illness Compensation Program Act of 2000.

First, I would like to thank my friend, the gentleman from Missouri (Mr. SKELTON), the ranking member of the committee, for his leadership. I also would like to say a special thanks to Hugh Brady of the Committee on Armed Services staff, Cindy Blackston of the Committee on the Judiciary staff, and Peter Rutledge of the Committee on Education and the Workforce staff.

In addition, I would like to commend the hard work of the gentleman from Kentucky (Mr. WHITFIELD), along with a bipartisan group of Senators, including Senators BUNNING, BINGAMAN, KENNEDY, VOINOVICH, DEWINE, CLINTON, CANTWELL and others.

Despite opposition from the administration, Members in both Chambers rolled up their sleeves and on a bipartisan basis did the hard work and included an amendment in this conference report which makes significant and greatly needed reforms to the Energy Employees Occupation Illness Compensation Program.

□ 1700

Now, in the year 2000, we passed landmark legislation establishing a program to compensate our nuclear workers made sick while toiling in the Nation's atomic weapons factories. For the first time, the Federal Government acknowledged that it placed its cold war veterans in harm's way.

Unfortunately, the Department of Energy has fallen down on the job to run its part of the compensation program. With more than $90 million appropriated to DOE for administering the compensation program, a mere 31 claims of over 25,000 have been paid in the last 4 years. That track record is not acceptable.

The Department of Labor, on the other hand, has successfully processed 95 percent of its more than 55,000 claims.

The amendment included in today's Defense conference report will shift DOE's responsibilities to the Department of Labor, provide for a Federal willing payer, establish guaranteed funding for payment of claims, and create a Federal benefit structure for all of those workers injured and made ill due to the exposure to hazardous materials and toxic substances while working in our nuclear arsenal. We promised to compensate these injured veterans, and now we are fulfilling that promise.

Although I wish we could have passed such an amendment years ago, I am very pleased that today we are doing the right thing and we are honoring a national commitment to assist these veterans of the cold war.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to this rule and to speak on the Defense Authorization Conference Report because, Mr. Speaker, when it comes to nuclear weapons, President Bush and the House Republican leadership just do not get it. Instead of investing in programs that will truly secure America, like nonproliferation initiatives and vigorous inspection regimes whenever possible, these Republicans spend America's money on more and bigger weapons.

This Defense Authorization bill authorizes billions of dollars for nuclear weapons research and testing, and there has to be a better way of doing things. We have to do it differently.

Investing in new nuclear weapons does not prevent America from being attacked. In fact, it encourages nuclear proliferation, because such investments incite our enemies and encourage other nations like Iran to develop nuclear weapons of their very own.

Instead of engaging in a nuclear arms race for the 21st century, the United States must engage in a smart security strategy for the 21st century. Being smart about national security requires the United States to set an example for young democracies, and we can set that example by renouncing the first use of nuclear weapons and the development of new nuclear weapons. We can also set that example by engaging in aggressive diplomacy, a commitment to nuclear nonproliferation, strong regional security arrangements, and inspection regimes.

If we truly want to keep our country safe for years to come, then we must promote and pursue a smart security strategy for America's future.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it would be better if we did not have to be considering this special rule, but I will support it because I support the conference report and hope it can be passed as soon as possible. There are things in the conference report that I do not like, and there are some things I hoped that would be included that have been left out, but my concerns are outweighed by my strong approval of several provisions that are included.

One is the renewal of the Energy Savings Performance Contracts program. This is the best tool we have to encourage energy efficiency in the Federal Government, but its authorization ended a year ago; and since then, it has been in limbo. So this is a very important provision.

The conference report also makes many improvements in the compensation program for people injured while working in the nuclear weapons program. My colleague, the gentleman from Ohio (Mr. STRICKLAND), was just discussing these important provisions. It is also important for Colorado because we are the home of the Rocky Flats Nuclear Waste complex, a former nuclear weapons site. And with the rest of our delegation, I have been pressing to make sure that the people who work there are properly treated. That is the purpose of this compensation program. Right now, the program has serious problems; but this conference report, as I have suggested, goes a long way towards solving them.

The report consolidates the responsibility for handling claims in the Labor Department, which can help untangle red tape for thousands of claims; and it provides that the Federal Government, not the States, will pay claims and provide medical benefits, something that is vital because otherwise many people will not be paid, even though they have valid claims. Further, it makes sure that people will be paid by making payments an entitlement. These are all great steps forward and long overdue.

Mr. Speaker, I congratulate the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON) and all of the other conferees, as well as the Committee on Armed Services staff and the staff of the other committees involved. Their task was not easy because the administration has not been particularly helpful, but we can all be proud of this outcome. They deserve our thanks, Mr. Speaker, and the conference report deserves our approval.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I congratulate him on his fine service in this body on the Committee on Rules and in so many other areas.

I rise in support of this rule, but also to speak in strong support of the National Defense Authorization Act which will be before this body later on tonight. I am also pleased, and I thank the chairman and ranking member, that an amendment that I offered to the House version of this bill has been included in the conference report.

My amendment directs the Secretary of Defense to eliminate the backlog in rape and sexual assault evidence collection kits, reduce the processing time of those kits, and provide an adequate supply of the kits at all domestic and overseas U.S. military installations and military academies. The provisions in this legislation also direct the Secretary to ensure that personnel are trained in the use of these kits.

This marks the second time this week that the House has passed legislation recognizing the importance of DNA evidence. It is better than a fingerprint. DNA never forgets and can never be intimidated.

I am glad to see that the military will be addressing this issue, and I hope that civilian victims and survivors of rape will soon get similar justice with the passage of the comprehensive DNA legislation that has been bottled up in the other body.

I would like particularly to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON) for their leadership, and I urge my colleagues to support the underlying bill.

I will say that my DNA collection bill grew out of the scandal, really, in the military of rapes at military academies and in Iraq and Afghanistan. The bipartisan Women's Conference and Caucus here in Congress held hearings, meetings, and issued a report. As one of the victims said, the best thing you can do is just convict the rapist. DNA evidence will help us to protect the innocent and protect women from rape in the future and place rapists behind bars.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members to refrain from improper references to the Senate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this rule and the underlying bill. I think there is much that is desirable to be found in it. Certainly it is important to meet the needs of our Armed Forces in this difficult time, especially in Iraq.

However, the bill continues to spend too much money on the wrong things. One of the most graphic examples is an 11 percent increase for missile defense, over $10 billion, that is critically needed now in areas of homeland security and defense activities.

There are also important elements for protecting our communities that are underserved in this legislation. With almost $446 billion, we ought to be able to have the Department of Defense clean up after itself. What this bill does not address is literally a ticking time bomb.

I have come to the floor in the past talking about the millions of acres around the country that are contaminated with military contamination, unexploded ordnance, or UXO, the military waste and unexploded bombs left over from former military sites. The estimates range from 10 million to 40 million contaminated acres. I noted a moment ago my colleague, the gentleman from Colorado, was here. They are having subdivisions creeping out to the Lowry Air Force Base, a former bombing range, where soon people will be living near areas where we fear there are unexploded ordnance. I note the gentleman from Texas is here. He is near an area in Arlington where there were people out Rototilling their backyards in a new subdivision literally turning up an unexploded bomb.

The Department of Defense estimates that identifying, assessing, and cleaning up contamination from military munitions will cost in the area of $8 billion to $35 billion, but most experts say it is going to cost far more. But we are spending at a rate of only $106 million annually. According to GAO, it will take 75 to 330 years to clean up these unexploded ordnance on already closed sites, and it does not include all the new contamination that we are creating.

Leaving this toxic legacy does no favor to the Department of Defense. In the long run it is going to cost more to clean it up, because clean it up we must. It is going to threaten the environment, and we have seen situations like the Massachusetts military reservation that is creating serious ground water pollution; it endangers our military and their families.

I sincerely hope this is the last such piece of legislation that does not appropriately address the problem of unexploded ordnance and military contamination.

Mr. FROST. Mr. Speaker, I do not have any additional requests for time. I urge adoption of the rule, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the 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.

## WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 843 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 843

*Resolved*, That upon adoption of this resolution it shall be in order to consider the 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considerd as read.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. 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, today the Committee on Rules met and granted a normal conference report rule for H.R. 4200, the Defense Authorization Act for Fiscal Year 2005. The rule waives all points of order against the conference report and against its consideration. In addition, it provides for 1 hour of debate, equally divided and controlled between the chairman and ranking minority member of the House Committee on Armed Services.

This should not be a controversial rule; it is the type of rule we grant for every conference report that comes through the House. This legislation firmly shows our commitment to restoring the strength of our Nation's military. The conferees authorized $447.2 billion in budget authority for the Department of Defense, DOD, and the national security programs of the Department of Energy, DOE.

□ 1715

I want to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for all of the work they have done in their tireless support for our brave sons and daughters in uniform. The safety and security of our troops and our Nation can be attributed to the contributions they have made.

This legislation authorizes the funding necessary to defend the Nation and our interests around the globe. More than 200,000 soldiers, sailors, airmen and Marines have served in the global war on terrorism. We owe them our gratitude for defending our freedom.

Their success in Iraq and Afghanistan is a testament to their bravery, training and equipment, and their commitment to defend our freedom.

On the battlefield, we provide critical force protection resources, including countermeasures for improvised explosive devices, improved surveillance and reconnaissance capabilities and the latest infantry equipment.

H.R. 4200 adds more than $2 billion for force protection measures, including armor, munitions, communications

and surveillance programs. The legislation contains provisions to eliminate procurement obstacles and field commercially available technology on an expedited basis, something that is much needed. At home, this legislation meets the needs of our military personnel with numerous quality-of-life improvements.

Among the many initiatives are a 3.5 percent across-the-board pay raise, special pay and bonuses, and improved housing, as well as the complete phase-out of out-of-pocket housing expenses.

This conference report makes great strides in addressing the disparity by which disabled military retirees have their pension benefits reduced, dollar by dollar, by the amount of disability benefits they receive from the Department of Veterans Affairs. The fiscal year 2004 act authorized full concurrent receipt to be phased in over 10 years.

The conference report continues to build on this improvement by removing disabled retirees who are rated 100 percent disabled from the 10-year phase-in period. These retirees are authorized for full, concurrent receipt effective January 2005. Our veterans have given deeply and heroically, and it is only fair that we recognize their service.

So let us pass the rule and pass the underlying Defense Authorization Conference Report. At the end of the day, we are going to make our homeland safer and we will be supporting our sons and daughters serving in the military. We will be preparing for war, thereby ensuring victory. At this crucial time in our history, this bill is most important.

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, I thank the gentlewoman for yielding me the customary 30 minutes.

The annual defense authorization bill is one of the most important bills the Congress considers. During my 26 years in Congress, I have been dedicated to and I have worked to ensure that the United States has the strongest national defense of any nation on earth. This year is no exception; in fact, the defense authorization bill is more important than ever.

This past December, I spent several days in Iraq where I had the distinct honor and privilege to meet with our rank-and-file soldiers on our front lines and to thank them personally for their brave and distinguished service and personal sacrifices. And I was reminded of this enormous sacrifice upon my return. The cargo plane we flew out of Baghdad on carried the coffins of two American soldiers who had been killed just 3 days before Christmas.

It seems like almost every night Americans turn on the news at home and see reports of violence in Iraq. But when I turn on my television, I cannot help but recall the selflessness and courage I saw while in Iraq, and the mix of pride and sorrow I felt on the flight home.

America's sons and daughters in Iraq represent our country well, but their job continues to be very difficult and very dangerous. And that is why the bill before us is so important.

Before anything else, the defense authorization bill is a bill to support our troops. This bill will help keep our service men and women in Iraq and around the world safe, will provide them with the tools they need to fight the war on terror, and will give them and their families the better quality of life that they so richly deserve.

First and foremost, this conference report provides $25 billion in supplemental funding for the wars in Iraq and Afghanistan to ensure that our troops have everything they need to successfully accomplish their mission and return home to their families safely. The conference report authorizes new funding for armored Humvees and body armor. We help ensure the strength of our military by putting 39,000 more Army and Marine Corps personnel on the ground. We give our troops a 3.5 percent pay raise, and we help ensure that all of our fighting men and women receive health care by expanding TRICARE coverage to Reservists and their dependents.

The conference reports also helps those who have served our country so honorably over the years by making sure that those who are left behind when a soldier falls receive the full benefits that they deserve through the Survivor Benefit Plan.

Mr. Speaker, I want to thank the conferees on both sides of the aisle who worked so hard to complete this important bill before we return home for the election. There has never been any doubt that this House, this Nation, and its people stand 100 percent behind our men and women in uniform, fighting to secure peace the world over. Let us pass this bill and this rule to keep our troops safe and give them the tools they need to do their jobs.

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

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

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

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

I want to raise some issues today with regard to certain aspects of this conference report and certain authorizations, particularly those dealing with the Defense Intelligence Agency and the responsibility of this Congress to oversee ways in which intelligence is used by the executive branch.

There are very disturbing aspects of the way in which intelligence is used. We know that most of the expenditures for intelligence in our country are spent by the Defense Intelligence Agency. I am interested in why the majority party has not exercised its oversight responsibilities with the way in which intelligence has been misused in ways that are misleading. That goes all of the way back to a time prior to the attack of September 11, 2001.

We know, for example, that all during the spring and summer of that year we were getting intelligence information talking about an impending attack on the United States. In fact, at one point, George Tenet, the Director of the Central Intelligence Agency, pointed out that the lights were flashing red. Others indicated that something very, very, very big was about to happen.

Then on August 6 of that year, the President received his daily briefing and in the context of that daily briefing, which was entitled ''bin Laden Determined to Attack the United States,'' there were substantial amounts of information about how it was discerned that an attack upon the United States in various ways was imminent, and there was even discussion about the potential use of airplanes, but no actions were taken, not during the spring and summer when the first information came, not after the President's daily briefing of August 6. Nothing was done. And then the attack occurred.

Mr. Speaker, why are we not looking into the way in which the intelligence operation is having an effect on the executive branch? Why are we not overseeing those kinds of activities?

Then, of course, we had the report just yesterday from the United States weapons inspector in Iraq, Mr. Duefler, which again said very, very clearly that there was no evidence of weapons of mass destruction in Iraq. Prior to that we had the report of the Senate Intelligence Committee, the 9/11 Commission Report, all of which said, no connection between Iraq and the attack, and also no weapons of mass destruction.

It just seems to me that as we make these authorizations, the majority party here, which sets the agenda and has the responsibility of oversight through the committee system of the way in which the executive branch is operating, ought to have paid much more attention to this and ought to be paying much more attention to it now.

We are spending tens of billions of dollars. I am not sure what the exact number is at this particular point, soon it will be $200 billion, but at least it is $140–150 billion being spent in Iraq. All of the loss of life, all of the injuries, and all of the destruction of our image around the world, why are we not in this Congress, in this House of Representatives, living up to our obligations and responsibilities for oversight when so much of the intelligence that we have paid for has been ignored, so much of the other intelligence that we are paying for has been misused to mislead this Congress and to mislead the American people?

This is an issue that has not been addressed and must be addressed by this House. The sooner it is done, the better off everyone is going to be.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, probably one of the least known things about the President's budget request over the year is that in June 2001 President Bush presented his defense budget to Congress and in it asked for the authority to conduct a round of base closures in 2003 called the Effective Facilities Initiative.

In September of that year, after the House had refused to act on it, the other body passed by a very small margin the authority for two rounds of base closure. Later, the House conferees worked that down to one round, but in the year 2005. But this May, knowing how close we were coming to it and the fact that our Nation was at war not only in Iraq and Afghanistan, in a much smaller war, but still a war, in Colombia, this body by almost a 100-vote margin voted to delay BRAC for 2 years. There were a lot of good reasons for that.

The President asked for this in June 2001. Our Nation was at peace. We had no troops in Afghanistan or Iraq. We were talking about shrinking the military.

In this bill we are going to vote on shortly, we expand the ranks of the Army by 20,000. We expand the ranks of the Marine Corps by 2,000. Those are both good things.

The President is talking about bringing troops home from Korea and Europe. Where is he going to put them because, by the administration's own admission, they are not talking about closing one base or two bases, they are talking about closing 25 percent of all of the bases in America, not overseas. This base closure commission is about closing bases in America, not Europe or Korea. That is one base out of four.

What further complicates this and what I found interesting is, when I expressed my opposition to this and when I asked the different service secretaries who have come before the House Committee on Armed Services, who tell us repeatedly we have 25 percent overcapacity, name one base you would like to see closed, the Secretary of the Army would not name one base; the Secretary of the Navy could not name one base; the Secretary of the Air Force could not name one base. They cannot name one, yet they keep insisting that they want to close one base out of four.

Mr. Speaker, what happens when a base is closed? Number one, we lose that capability that the taxpayers have paid for forever. America is not getting less populated, it is more populated. It is not less crowded, it is more crowded. When you lose that land, you lose the ability to train there. Every single weapon we have requires more of a stand-off in order to train, not less. Things that used to shoot for yards now shoot for miles. Things that used to shoot for miles now shoot across a continent. We need more land to train. We are talking about bringing troops home, and yet they want to shut down bases.

And there are other unintended consequences. Half of our military retirees, those people who have given our Nation 20 years of their blood, sweat and tears, 20 years away from their families, over half of our Nation's military retirees intentionally chose to retire near a military facility so they could use the base hospital, because they were promised use of that base hospital for the rest of their lives.

□ 1730

They intentionally retired near a commissary because they were promised the use of the commissary for the rest of their life. You know what? They spent 20 years away from their families, being called chief or sergeant or colonel or captain, and they like going back to the base and being called chief or sergeant, colonel or captain.

When you close the base, you close the commissary. When you close the base, much more importantly, you close the base hospital. You have broken the promise of lifetime health care for these military retirees.

So why, when we are at war in Afghanistan, when we are in a war in Iraq? I happen to, unfortunately, have been on the same flight with the gentleman from Texas (Mr. FROST) when those two young GI's came home in a coffin from Iraq. Why, when we are asking young Americans to enlist to serve because we want to give them good things?

This body is given the constitutional authority to provide for an Army or a Navy, turn around and give that authority to some handpicked bureaucrats who have already been told, close one base out of four.

In particular, to my friends from Florida, I come from hurricane country. I know what it is like to see houses destroyed. I know what it is like to go to funerals of people who have died in hurricanes. We got lucky this time in Mississippi. You did not. You have had four hurricanes this year.

Why would the President of the United States as Commander in Chief tell the people of Florida he is going to go there and close one base out of four knowing that their economy has already been devastated. Why would he tell his military retirees, who intentionally bought houses in Florida so they could use the hospital, so they could use the commissary: We are sorry. We are going to close the base. We are going to close the hospital. We will close the commissary. You are out of luck.

In a little while, I will offer a motion to defeat the previous question, and it will be very sweet and simple. It will instruct the clerk to put back the language that passed this House by very close to 100 votes, including the vote by the chairman of this committee, that says we are going to delay BRAC. If we are growing the force, which we are, if we are bringing troops home from Europe, if we are bringing them home from Asia, we will need a place to put them. Let us not close bases now and not have a place for them.

Mr. Speaker, there are so many reasons to be against BRAC. The biggest of all is the false notion that it saves the taxpayers money. They predicted great savings. Let me tell you what they did. They shut down bases, and threw Americans out of work. They deprived military retirees of their basic health care. They deprived them of their commissary. But, most importantly of all, we did not sell the bases; we gave them away. Before we gave away bases, this Nation spent $13 billion, with a B, $13 billion cleaning up facilities just to give them away. And then you never get them back.

Go to Cecil Field in Florida. Right now, our Nation is spending tens of millions of dollars buying land in North Carolina. Why? So we can build a runway. What do we need a runway for? For the F–18s to land when they come off the ships. Why did we not send them to another base? Well, we had another base. It was called Cecil Field. It had three 8,000-foot runways. It had a fourth 10,000-foot runway. It had a hospital. It had a commissary. It had places for the troops to live. It had places for the family to live. It had mess halls. It had all the things that a base is supposed to have, but a previous round of BRAC shut it down. So when the F–18s need a place to land when they come off the carriers, we have got to go buy land to make up for what was already given away.

It is very rare in this body where we get a chance to prevent a long-term mistake. Another round of base closures is a long-term mistake. I am giving you the opportunity to do the right thing for your country. In a few minutes, I will offer that.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of this committee.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me time.

I will say, I have the highest respect for the gentleman from Mississippi (Mr. TAYLOR) who is a very valuable member of our committee, and we have done great work over the last many months putting this bill together. And I would hope that the members of the House, rather than focusing on what this bill does not do in terms of stopping the BRAC process or other issues that were of concern to members, to focus on what it does do.

I just remind my colleagues that, in this bill, we have a 3.5 percent across-the-board increase for the men and women who wear the uniform of the United States.

For the first time in our history, we have what is known as a survivor benefits program. We are doing away with

the so-called widow's tax. And that is where the surviving spouse of a military retiree will no longer have to offset their survivors' benefits against their Social Security check.

We increase what is known as concurrent receipt for our veterans. That means that a disabled veteran will no longer have to offset to the degree that he did before his disability check against his retirement check. We have over $700 million for up-armoring our Humvees. Those are the vehicles that will be driven by young men and women in theaters like Iraq and Afghanistan. We have, across the board, enough personnel benefits to really justify calling this bill the bill that represents the year of the soldier and marine.

We have this increase of some 20,000 and some 3,000 Marines. A hard increase and a permissive increase of the Army and Marine Corps of an additional 10,000 soldiers and an additional 6,000 Marines. We have this increase in imminent-danger pay and an increase in family-separation pay. And the 24,000 housing units, which the presumed paralysis of that housing program, where we thought we would actually have 24,000 family housing units hanging this year because of a funding glitch and a scoring glitch; we fixed that in this conference. And that means that the families of the men and women who wear the uniform of the United States will have family housing much quicker than we thought they would have it.

So, for all those reasons, I just hope and would ask my colleagues, Democrat and Republican, to support this rule and to vote for the previous question when the gentleman from Mississippi (Mr. TAYLOR) raises it.

I tell the gentleman that I understand his concern and that he and I both know that it is tough to retrieve these bases with the maze of environmental regulations that will face any administration in the future who wants to reach in and retrieve a base that has been closed, but that, nonetheless, I think that with the good judgment of the Members of this House overseeing this and watching this process and the members of Blue Ribbon Panel watching this process, and all the good things that are in this bill, it is appropriate for us to move forward. I hope that we pass this bill.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR) to close the debate.

Mr. TAYLOR of Mississippi. Mr. Speaker, let me begin by complimenting my chairman on the very genteel way he is handling this. He has done a good job with the bill, with one glaring exception. And some mistakes are so bad that they cannot be retrieved, and we need to retrieve this now while we have a chance.

Mr. Speaker, I will be calling for a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to instruct the enrolling clerk to amend the conference report to reinsert language that was in the House-passed bill that would postpone the 2005 round of base closures and realignments until 2007.

As we know, this legislation was included in the original version of the defense authorization bill that passed in this House in May. However, it, like several other provisions, mysteriously disappeared when the bill was in conference.

Mr. Speaker, this is just one of many examples where good legislation and amendments that passed this House just seemed to vaporize behind closed doors. That is a bad way to do business. Tonight, we have a chance to stop that.

Let us do the right thing today. Let us reinsert the provision that passed by very close to 100 votes right now. I think the Members of this House must decide for themselves whether or not they want another round of base closures. As I have said before, when given the opportunity, the service secretaries could not name and would not name one single installation they want closed. Read the Constitution, article I, section 8 says that Congress shall provide for an Army and a Navy. Not the bureaucrats. We decide.

We are going to leave here and go beg for the opportunity to represent a sliver of America. We are going to beg for the opportunity to fulfill congressional obligations. How many of you are going to go out there and say, Please elect me congressman so I can let some bureaucrat make the tough decisions for me. I am not. I want to do my job. I do not trust bureaucrats with my job. I will not vote to allow a group of bureaucrats to shut down bases at a time when we are at war and we are getting ready to bring troops home and we are growing the Army and we are growing the Marines. This does not make sense.

So let me make it perfectly clear. A ''no'' vote on the previous question will not, will not stop consideration of this conference report. A ''no'' vote will allow the House to vote to reinsert the provision that passed this House by almost a 100-vote margin. However, a ''yes'' vote on the previous question will prevent the House from delaying the closing of one base out of every four in America, one base out of every four. I urge a ''no'' vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of this amendment be printed in the RECORD immediately before the vote on the previous question.

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

There was no objection.

Mr. FROST. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 13 minutes remaining. The gentlewoman from North Carolina has 23½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I urge my colleagues to defeat the previous question so my colleague, the gentleman from Mississippi (Mr. TAYLOR) can bring to the floor legislation that would delay the Base Realignment and Closure process better known as BRAC.

Mr. Speaker, at war in Afghanistan and Iraq, the Army is restructuring itself. We are assessing our base structure overseas and plan to bring two divisions home from Europe and to reduce our troop strength over a period of time from South Korea by at least 12,000 troops. We are increasing the end strength in this bill to relieve the stress on our troops. We are still developing the Pentagon's role in homeland security. The division of labor between active duty forces and the Reserve component is still being evaluated and is a question mark. This is really a heck of a time to be conducting BRAC.

Voting ''no'' on the previous question will allow the gentleman from Mississippi (Mr. TAYLOR) to bring up legislation that would delay BRAC 2 years. I think a 2-year delay is prudent. Given the turbulent times facing our military, the legislation will not kill BRAC; it will just delay it. The House voted decisively several months ago to delay the base closures, but this provision was dropped by the conference. The House deserves a serious, serious debate on this issue. I support the gentleman from Mississippi (Mr. TAYLOR) on a ''no'' vote.

Mr. FROST. Mr. Speaker, we do not have any additional requests for time.

I would note that the gentleman from Mississippi (Mr. TAYLOR) will oppose the previous question, and if he is successful, then he will have the opportunity to offer his amendment to the conference report.

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

The material previously referred to by Mr. TAYLOR of Mississippi is as follows:

At the end of the resolution add the following new section:

SEC. 2. (a) A concurrent resolution specified in subsection (b) is hereby adopted.

(b) The concurrent resolution referred to in subsection (a) is a concurrent resolution—

(1) which has no preamble;

(2) the title of which is as follows: ''Concurrent resolution directing the Clerk of the House of Representatives to make certain corrections in the enrollment of 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''; and

(3) the text of which is as follows: ''That in the enrollment of 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other

purposes, the Clerk of the House of Representatives shall add at the end of subtitle C of title XXVIII the following new section:

**SEC. 2835. TWO-YEAR POSTPONEMENT OF 2005 BASE CLOSURE AND REALIGNMENT ROUND.**

(a) POSTPONEMENT UNTIL 2007.—Notwithstanding any other provision of law, the Secretary of Defense shall not publish in the Federal Register or transmit to the congressional defense committees and the Defense Base Closure and Realignment Commission any list of military installations inside the United States that the Secretary recommends for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) before May 16, 2007.

(b) CONFORMING AMENDMENTS.—(1) Section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007''; and

(B) in subsection (a), by striking ''May 16, 2005,'' and inserting ''May 16, 2007,''.

(2) Subsection (d) of section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in paragraphs (1) and (2), by striking ''September 8, 2005'' both places it appears and inserting ''September 8, 2007''; and

(B) in paragraph (6)—

(i) by striking ''in 2005'' and inserting ''under this section''; and

(ii) by striking ''July 1, 2005'' and inserting ''July 1, 2007''.

(3) Subsection (e) of section 2914 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in paragraph (1)—

(i) by striking ''in 2005'' and inserting ''under this section''; and

(ii) by striking ''September 23, 2005'' and inserting ''September 23, 2007'';

(B) in paragraph (2), by striking ''October 20, 2005'' and inserting ''October 20, 2007''; and

(C) in paragraph (3)—

(i) by striking ''November 7, 2005'' and inserting ''November 7, 2007''; and

(ii) by striking ''in 2005'' and inserting ''in 2007''.

(4) Section 2912 of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007'';

(B) by striking ''fiscal year 2005'' each place it appears and inserting ''fiscal year 2007'';

(C) in subsection (b)(1), by inserting ''for fiscal year 2007'' after ''subsection (a)'';

(D) in subsections (b)(2) and (d), by striking ''in 2005'' each place it appears and inserting ''under section 2914'';

(E) in subsection (d), by striking ''March 15, 2005'' both places it appears and inserting ''March 15, 2007'';

(F) in subsection (d)(4), by striking ''calendar year 2005 and shall terminate on April 15, 2006'' and inserting ''calendar year 2007 and shall terminate on April 15, 2008''; and

(G) in subsection (d)(5), by striking ''second session of the 108th Congress for the activities of the Commission in 2005'' and inserting ''second session of the 109th Congress for the activities of the Commission under section 2914''.

(5) Section 2904(a)(3) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''in the 2005 report'' and inserting ''in a report submitted after 2001''.

(6) Section 2906(e) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''2005'' and inserting ''2007''.

(7) Section 2906A of the Defense Base Closure and Realignment Act of 1990 is amended—

(A) in the section heading, by striking ''2005'' and inserting ''2007''; and

(B) by striking ''2005'' each place it appears and inserting ''2007''.

(8) Section 2909(a) of the Defense Base Closure and Realignment Act of 1990 is amended by striking ''2006'' and inserting ''2008''.

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

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. TAYLOR of Mississippi. 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 clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 843 may be followed by 5-minute votes on adoption of House Resolution 843, if ordered, and on the motion to instruct on S. 2845.

The vote was taken by electronic device, and there were—yeas 225, nays 175, not voting 32, as follows:

[Roll No. 524]

YEAS—225

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole
Cooper
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
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
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Moran (VA)
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
Quinn
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
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 (SC)
Wolf
Young (AK)
Young (FL)

NAYS—175

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson (IN)
Carson (OK)
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Skelton
Solis
Stark
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
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—32

Ballenger
Bass
Boehlert
Burton (IN)
Clay
Collins
Filner
Ford
Frank (MA)
Gallegly
Gephardt
Greenwood
Hinojosa
Issa
Jones (NC)
Kaptur
Leach
Lipinski
Majette
Markey
Matsui
Meek (FL)
Meeks (NY)
Miller, Gary
Murtha
Norwood

Ortiz
Paul
Radanovich
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1809

Messrs. THOMPSON of Mississippi, ABERCROMBIE, DEFAZIO, and DINGELL changed their vote from ''yea'' to ''nay.''

Mr. COLE, Mr. DOOLEY of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. SAM JOHNSON of Texas changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 524, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 524. Had I been present, I would have voted "nay."

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON S. 2845, NATIONAL INTELLIGENCE REFORM ACT OF 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on S. 2845, on which further proceedings were postponed earlier today.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 169, nays 229, not voting 34, as follows:

[Roll No. 525]

YEAS—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
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 (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—229

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

NOT VOTING—34

Ballenger
Bass
Boehlert
Burton (IN)
Clay
Collins
DeFazio
Diaz-Balart, L.
Filner
Ford
Frank (MA)
Gallegly
Gephardt
Greenwood
Hinojosa
Issa
Jones (NC)
Kaptur
LaHood
Lipinski
Majette
Markey
Matsui
Meek (FL)
Meeks (NY)
Miller, Gary
Norwood
Ortiz
Paul
Radanovich
Slaughter
Tauzin
Towns
Waters

□ 1835

So the motion to instruct was rejected.

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. 525, I was in my congressional district on official business. Had I been present, I would have voted "yea."

Stated against:

Mr. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 525, Had I been present, I would have voted "nay."

## PRIVILEGES OF THE HOUSE—SPECIAL COUNSEL TO INVESTIGATE ACTIONS OF REPUBLICAN MAJORITY LEADER

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 845) for a special counsel to investigate the actions of the Republican majority leader and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 845

Whereas, in May of 1999, the Committee on Standards of Official Conduct, by letter, admonished Representative Tom DeLay for his conduct in connection with a threat of retribution against an organization for hiring a person connected to the Democratic Party;

Whereas, on September 30, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for improperly linking support for the personal interests of another Member as part of a quid pro quo to achieve a legislative goal;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for his participation in a fundraiser that created an appearance that donors were being provided special access to him regarding then pending energy legislation;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct publicly admonished Mr. DeLay for intervening in a

partisan conflict in the Texas House of Representatives using the resources of a Federal agency;

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct, in a letter to Mr. DeLay, noted that it had found it necessary to comment on his conduct in a number of instances and reminded Mr. DeLay the ''House Code of Official Conduct provides the Committee with authority to deal with any given act or accumulation of acts which, in the judgment of the Committee, are severe enough to reflect discredit on the House'';

Whereas, on October 6, 2004, the Committee on Standards of Official Conduct noted that a complaint before it alleged that Mr. DeLay used TRMPAC, the Texans for a Republican Majority PAC, to funnel corporate funds to Texas state campaigns in 2002 in violation of the Texas election code, and, based on the information then in its possession, deferred action on the matter pending action by the Texas Grand Jury and the Texas District Attorney of TRMPAC's activities;

Whereas, on October 7, 2004, a Texas newspaper reported that a newly obtained memo indicates that Mr. DeLay had personal involvement in directing some of the fund-raising activities of TRMPAC for which three of Mr. DeLay's associates have been indicted by a Texas Grand Jury;

Whereas, in responding to the admonishments issued by the Committee on Standards of Conduct, Mr. DeLay displayed contempt for that Committee, for appropriate ethical standards, and for the House of Representatives by the public statements he made and which were made on his behalf: Now be it

*Resolved*, That the Committee on Standards of Official Conduct is authorized and directed to establish an Investigative Subcommittee to determine if there is substantial reason to believe that by his past and continuing conduct Mr. DeLay has violated the Code of Official conduct or other relevant laws, rules or regulation; and be it further

*Resolved*, That the Committee on Standards of Official Conduct retain a Special Counsel to assist in its investigation.

The SPEAKER pro tempore (Mr. SIMPSON). In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. BLUNT

Mr. BLUNT. Mr. Speaker, the minority leader did not extend the normal courtesy of notifying the majority of her resolution, and I move to table the resolution so we can go back to the business of debating the defense conference report.

The SPEAKER pro tempore. The motion that the resolution be laid on the table is not debatable.

The question is on the motion to table offered by the gentleman from Missouri (Mr. BLUNT).

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

RECORDED VOTE

Ms. PELOSI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 182, answered ''present'' 5, not voting 36, as follows:

[Roll No. 526]

AYES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
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
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
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)
Ryun (KS)
Saxton
Schrock
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)

NOES—182

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
Chandler
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Marshall
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
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

ANSWERED ''PRESENT''—5

Delahunt
Doyle
Jones (OH)
Mollohan
Roybal-Allard

NOT VOTING—36

Ballenger
Bass
Boehlert
Burton (IN)
Clay
Dooley (CA)
Filner
Ford
Frank (MA)
Gallegly
Gephardt
Greenwood
Hinojosa
Issa
Johnson, E. B.
Jones (NC)
Kaptur
King (NY)
Kleczka
LaHood
Lewis (CA)
Lipinski
Majette
Markey
Matsui
Meek (FL)
Meeks (NY)
Miller, Gary
Norwood
Ortiz
Paul
Quinn
Radanovich
Slaughter
Tauzin
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1858

Messrs. PORTMAN, KNOLLENBERG and WHITFIELD changed their vote from ''no'' to ''aye.''

So the motion to table 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. BASS. Mr. Speaker, on Friday, October 8, 2004, I regrettably missed recorded vote numbered 526. Had I been present, I would have voted "aye".

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 526, I was in my congressional district on official business. Had I been present, I would have voted "no."

## PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district. Had I been present, I would have voted yes on rollcalls 512, 513, 514, 515, 517, 518, 520, 521, 522, 523, and 525. I would have voted no on rollcalls 516, 519, 524 and 526.

CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 843, I call up the conference report on 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 843, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

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

Mr. Speaker, it is a privilege to come with my partner, the gentleman from Missouri (Mr. SKELTON), and offer for the consideration of the Members the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005, in simple terms, a defense bill for the troops of the United States who are serving in dangerous theaters around the world and troops and Guard together numbering over 2.5 million personnel.

This is a bill, Mr. Speaker, that is a joint effort, Democrats and Republicans have come together to put together this legislation, which I think is really a soldiers' bill, a people's bill, in large measure.

We have a 3.5 percent pay raise across the board. We have extension of new TRICARE benefits to Guard and Reserve. We have the new survivor's benefits, something we have never had before in our history, that allows a phasing out now of the offset that used to take place between a survivor of a military retiree, where they had to weigh that against their Social Security check. We have an increase in the receipt that disabled veterans will receive on the so-called concurrent receipt of their disability and their retired pay.

We have over $700 million worth of armor for Humvees and over $100 million worth of armor for trucks. We have a bill that has freed up the 24,000 housing units that were hanging in limbo for construction starts this year.

This bill, very simply, Mr. Speaker, is a great bill, and I hope that we can move the conference report through quickly for the consideration and approval of the Members and move it quickly to the President's desk.

I want to compliment my colleague, the gentleman from Missouri (Mr. SKELTON), for working in a bipartisan manner in putting this bill together, as well as all the Members and all our great subcommittee chairmen who did such a wonderful job, and our ranking members and membership of the full committee.

□ 1900

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

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

Mr. Speaker, I join the gentleman from California (Mr. HUNTER) in strong support of this Defense Authorization Act. More than anything, it is a bill for the troops at a time when we are at war, the war in Iraq and the war against the terrorists in Afghanistan.

Let me commend my chairman, the gentleman from California (Mr. HUNTER), for his leadership in bringing the bill to completion. It was a lot of difficult, hard work, late nights; but it got done, and we are here. And I also want to applaud all the Members, Democrats and Republicans on the Committee on Armed Services, for their tireless effort on this bill.

I want to mention a couple of items of concern, however. The disappointments of course are in the process. I spoke strongly last May of our desire to delay the upcoming round of base closings; yet we were unable to obtain everything, and I am also disappointed with the conference outcome in the Colombia troop cap when our troops are so very thinly stretched across the globe.

But this very bill has at stake during wartime $446 in defense. It is very, very important that we pass this this evening. This is probably the best piece of legislation that we have had for the troops, their families, and for military retirees in a long, long time. And at the end of the day, those who wear uniforms and their families who support them so well will be the ones who benefit from our efforts.

It eliminates the cap on privatized housing for military families, something so many of us have been calling for. This program allows private contractors to build housing on or near military bases, who then recoup their investment through rental payments. That has been a long, involved effort. It also involves additional health benefits for our troops who serve us proudly and with so much distinction. We extend TRICARE benefits to the nonactive duty Reservists and Guard members who have been called and ordered to active duty on or after September 11, 2001.

We also provide for additional benefits for the survivors of those who have served. The bill eliminates the Social Security offset to survivor benefit payment plans, phasing it in over 4 years as opposed to what the Senate wanted to do. I have to give our friend, the gentleman from Texas (Mr. EDWARDS), special credit for his effort to have a discharge petition on this particular issue.

Finally, the conference report includes a series of provisions relating to Iraq that will require the administration to explain its policies and allow Congress to conduct better oversight of what is going on there. A strategic plan is required on the stabilization of Iraq. Policies and reports are required on the subjects of preventing the abuse of detainees in American custody and a new guidance mandated on the use of contractors for security functions. These are very, very important.

In summary, Mr. Speaker, this is not a perfect bill, but it is a very, very good bill. When we say we support the troops, when we put the bumper sticker on the back of our truck or car, this is saying it loudly and clearly: we support the troops to the tune of $446 billion. All that they need, all that we can do is in here.

I applaud members of the Committee on Armed Services; and I thank the chairman, the gentleman from California (Mr. HUNTER). I think this is an excellent piece of legislation to move forward at this very, very dire and difficult junction in American history.

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

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the vice chairman of the committee, 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. Speaker, let me, first of all, congratulate the chairman and the ranking member for an outstanding job in getting a bill before us. The gentleman from California (Chairman HUNTER) is tireless in his work on behalf of the troops, as is the gentleman from Missouri (Ranking Member SKELTON). I want to thank my ranking member, the gentleman from Hawaii (Mr. ABERCROMBIE), for his outstanding cooperation on air-land issues.

I am not going to talk about the specifics of the bill, because my colleagues will, and I urge everyone to vote for it; but I am going to talk about an add-on provision in this bill that absolutely is outrageous to me.

I want my colleagues to listen, because it affects every one of their districts. Those Members in the other body added on a provision to our bill to reauthorize the Assistance to Firefighters Grants program. This has become the most popular program for Members of Congress and their districts. Through this program, over 3 years, we have distributed $2.1 billion directly to fire departments; large, paid departments and small, volunteer departments, and that was done with bipartisan support. It was done without party politics.

For the reauthorization this year, when the other body put a provision in, we met, Democrats and Republicans, the distinguished minority whip, the gentleman from Maryland (Mr. HOYER), the distinguished gentleman from New

Jersey (Mr. PASCRELL), the distinguished gentleman from New Jersey (Mr. ANDREWS), and the gentleman from California (Chairman HUNTER) was involved, the gentleman from New York (Mr. BOEHLERT) was involved, and the gentleman from Michigan (Mr. SMITH). And we reached a compromise to reauthorize this very important program, and we put in a nondiscrimination clause that would prevent volunteer firefighters from being discriminated against. Who can be against that? Even the paid firefighters in our cities, like those in the district of the gentleman from Maryland (Mr. HOYER), they want to go home as a volunteer to be a part of their community. The Members of the other body stripped that provision out of the bill.

So I urge my colleagues to tell their constituents across America that the other body does not care about volunteers. It was a carefully crafted provision that ended the discrimination against volunteers, that the paid firefighters in our cities want it removed so they could volunteer in our hometowns. And the other body took it out.

So I hope that every one of the 32,000 fire departments understands that this body, in a bipartisan way, delivered a solution that was fair, that allowed cities to have paid firefighters, but stripped out the provision to protect the volunteers. When the gentleman from California (Chairman HUNTER) went back to Ranking Member LEVIN, he said, tell CURT not to get his hopes up.

Well, let me tell you, Ranking Member LEVIN, every firefighter in Michigan is going to know what you did. Let me tell my other Senate friends. I am going to do a mailing to all 32,000 fire departments in this country, and I am going to thank the gentleman from Maryland (Mr. HOYER) and the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from New Jersey (Mr. ANDREWS) and the rest of the Republicans. But I am going to let the American firefighters know who put the screws to them in this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that it is not in order to cast reflections on the Senate or its Members individually or collectively, and the Chair will enforce the rule.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my friend, the gentleman from Missouri (Mr. SKELTON), and I want to thank my friend, the gentleman from Pennsylvania (Mr. WELDON). There is nobody in this Congress, there is nobody in this country who has fought any more vigorously for firefighters, paid and volunteer, than the gentleman from Pennsylvania (Mr. WELDON). It is an honor to work with him on these issues. I understand his passion, and I thank him for his work on behalf of the fire service of this country.

Mr. Speaker, I rise in support of this conference agreement which supports our men and women in the Armed Forces and provides for the security of this Nation. It also specifically, of course, provides for the training and equipping of our troops engaged in the war on terrorism.

I am also pleased that this legislation contains a provision to reauthorize the assistance to the firefighters grant program. I want to thank the gentleman from California (Mr. HUNTER), and I want to thank the gentleman from Missouri (Mr. SKELTON) on the fire service provisions in this bill for their support of that and for their leadership on this effort.

I also want to wish the gentleman from New York (Mr. BOEHLERT), who has been such a fighter on behalf of the fire services, a speedy recovery from his heart surgery. The gentleman from Pennsylvania (Mr. WELDON), the gentleman from Michigan (Mr. SMITH), the gentleman from New Jersey (Mr. PASCRELL), and the gentleman from New Jersey (Mr. ANDREWS), all mentioned by my friend, the gentleman from Pennsylvania (Mr. WELDON) and their staffs have worked hard on this measure and their leadership for our Nation's fire and emergency service personnel and is appreciated by all.

I also want to thank my own staffer, Geoff Plague, who sits here with me, for his untiring and focused work on behalf of firefighters.

I am particularly pleased that this measure returns jurisdiction over the grant programs to the U.S. Fire Administration, which was widely praised for the effective manner in which it administered the program during its first 3 years. Last year, over the objections of many in this Congress, the program was moved and is now being returned, and I think that is to the benefit of the program. Again, I want to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Ranking Member SKELTON) for their support in this effort.

While this is one of the most critical challenges our government faces today and one for which we have consistently sought increased levels of funding, it is not the objective of the Fire Grant program itself.

I also want to thank the gentleman from Missouri (Mr. SKELTON) for his untiring efforts on behalf of our men and women in uniform, not only those who are on the front lines at the point of the spear, but also those who are here at home ready, willing, and able to go to support our efforts, to defeat terrorists, and to bring international security. The gentleman's work on behalf of those men and women has been extraordinary and appreciated by them. Again, Mr. Speaker, I intend to support this conference report, and I thank the chairman and the ranking member for their work to bring it to the floor before we leave and recess or adjourn for the elections.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), a very distinguished member of the committee.

Mr. TURNER of Ohio. Mr. Speaker, I want to congratulate my chairman, the gentleman from California (Mr. HUNTER), on his leadership and efforts in making certain that this bill, as he deemed it to be, is indeed the ''year of the troops,'' supporting our men and women in uniform, making certain that we support our men and women in uniform with a pay increase, and making sure that they have the resources that they need.

The bill includes $728 million in up-armor for our Humvees and protection against IADs, $100 million for vehicle add-on armor kits. But also I am excited about the provisions that expand the health care to our Reservists and Guard. As the gentleman knows, I have introduced H.R. 2176, which would extend TRICARE health care benefits to our Reservists and members of our Guard. The GAO indicates that approximately 21 percent of all of our Reservists and Guard go without health care insurance.

This bill includes a TRICARE standard coverage for Reservists and Guard and their families who have been activated for more than 30 days since September 11, 2001, in support of a contingency operation; and then for every 90 days of consecutive active duty service, the member and their family are eligible for 1 year of TRICARE coverage with a nonactive duty status.

Mr. Speaker, I appreciate the leadership and dedication of the gentleman from California (Mr. HUNTER) to our men and women in uniform.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the ranking member on the Committee on the Budget, the gentleman from South Carolina (Mr. SPRATT).

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

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

Mr. Speaker, I rise in support of H.R. 4200 and commend my colleagues, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON), for bringing this conference to a very successful conclusion.

Mr. Speaker, I would like to engage the chairman in a colloquy.

Mr. Speaker, the Conferees' Report in section 3303 contains a provision on the release of ferromanganese from the strategic stockpile, which is critical to steel production in the United States. Section 3303 contains a requirement that to release more than 50,000 tons of ferromanganese, the Secretary of Defense, among other requirements, must certify that the disposal will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States. This could be considered a certification about future events regarding markets, and one could question whether the

certification of future events is possible.

□ 1915

I ask the chairman if the conferees' intent in the meaning of this provision is that certification in this instance is the Secretary's best judgment about future market conditions and events.

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

Mr. SPRATT. I yield to the gentleman from California.

Mr. HUNTER. Yes, we understand how important ferromanganese is for steel production in the U.S. We certainly do not intend to ask the Secretary to perform the impossible by forecasting the future with absolute certainty. We are just asking for his best judgment.

Mr. SPRATT. I thank the gentleman for that clarification.

Mr. Speaker, I rise in support of H.R. 4200 and commend my good friends, Chairman HUNTER and Mr. SKELTON, for concluding this conference report.

Everyday our armed forces make great sacrifices to ensure that we are safe, secure, and free. In return, this bill provides a 3.5 percent across-the-board pay raise. It stops short of targeted pay raises for NCOs and warrant officers, which I supported, but it helps bridge the gap with the civilian workforce; makes permanent increases in imminent danger pay from $150 to $225 and family separation pay from $100 to $250 per month (these are initiatives I championed a year ago—I'm glad to see them finally be adopted); provides $10 billion in military construction funds—keeping the Military Housing Privatization Program on track, and eliminating the program's funding ceiling.

The reserve component is being used in an unprecedented way and at an unprecedented rate. The Guard and Reserve make up approximately 40 percent of the force in Iraq, and others are stationed in Afghanistan and other critical locations at home and abroad. More than 173,000 have been mobilized for active duty service. Their service must be matched with meaningful benefits.

This bill provides enhanced TRICARE for reservists. It is not the full measure recommended by the Senate, but it is an improvement over current law. We can and should build on this beginning.

This bill also offers improved tuition assistance benefits.

In addition, this bill ends an injustice to the survivors of military retirees. H.R. 4200 phases out from October 2005 to March 2008 the current offset under the Survivor Benefit Plan, and increases the annuities paid to survivors of military retirees who are 62 years or older.

Recognizing the good efforts of my colleagues, Mr. SKELTON and Ms. TAUSCHER, this bill increases active Army and Marine Corps troop levels by 30,000 and 9,000 respectively. The Pentagon fought us every step of the way on this end-strength increase, but this is the minimum we can do to reduce the stress on our forces and ensure that we can meet military commitments in the future.

This bill also provides $25 billion for the war in Iraq—enough to get through March of next year. We expect another supplemental request early next year of $50 billion—taking the total cost of the Iraq war well over $200 billion.

The bill is not without shortcomings. The President, Senator KERRY and the 9/11 commission all agree that the gravest threat facing the Nation is nuclear terror. H.R. 4200 continues the Administration's pattern of under funding CTR programs. This bill authorizes $10 billion for missile defense, but only $409 million to help combat the gravest threat facing our country. How can we justify spending $10 billion on an unproven system developed to combat a relatively non-existent threat and only spend 4 percent of that amount on consensus greatest threat to the security of the American people.

The Conference Report does impose some welcome disciplines on that ballistic missile defense (BMD) program. The Pentagon's Office of Testing and Evaluation regains an oversight role. It is tasked with devising a realistic test regimen for BMD. In addition, each block of BMD will be subject to Selected Acquisition Report requirements. This means that each block will have baselines for cost, schedule, and performance, against which actual results can be measured. These are steps forward, and steps long overdue in a program of this magnitude.

Mr. HUNTER. Mr. Speaker, I yield 3½ minutes to the gentleman from Colorado (Mr. HEFLEY), who chairs a very important committee on readiness.

Mr. HEFLEY. Mr. Speaker, I rise today in strong support of H.R. 4200, the National Defense Authorization Act. I too would like to thank the chairman and the ranking member for their leadership on this committee. These are two people who really have their heart with the troops, who are out there doing the job for us as Americans, and they lead the committee greatly. I am so appreciative of the efforts of the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON).

This Spring the gentleman from California (Mr. HUNTER) declared that 2004 would be the year of the troops, and he instructed us as committee chairman to focus what we did on the troops. What do they need? What will make them the best equipped and best trained fighting force in the history of the world. And that is what we tried to do in this bill.

The conference report before us today is crafted in that spirit, and I urge my colleagues to join me in supporting the troops by saying yes on the conference report today.

There are several items in the conference reports to which I would like to call attention, and I will do the one I am disappointed in first, and that is the BRAC provisions in here. We overwhelmingly in the committee voted, and have for the last couple of years, voted to delay the BRAC process for 2 years, and the reason for that is not parochial. It is because we do not think with the transition that we are going through in the armed services right now, in the war, that we have enough information to really make the decision that we will not be sorry for later. So we overwhelmingly in the House and in the committee voted to delay it. But that did not stay in the bill.

The one BRAC provision which I am very pleased with the gentleman from New York (Mr. MCHUGH) put forward it is a very thoughtful provision and it will make the process work much better.

Second, this bill repeals the cap on the military housing privatization program effective immediately, ensuring that this extraordinarily successful program will continue to improve homes in which our service members and their families live. The House cast an overwhelming vote in support of the program this summer, and I could not be more pleased that we have found a way to allow it to continue. It would have been a tragedy if we had not done this.

Third, the bill authorizes more than $10 billion, an increase of approximately $450 million for military construction and family housing programs of the Department of Defense. By carefully applying these resources, the conference report provides for new facilities that will improve military readiness and enhance the quality of living for America's service members.

I would like to express my deep appreciation to the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, the gentleman from Texas (Mr. EDWARDS), of the Military Construction Appropriations Subcommittee and their staffs for their hard work this year in what was often a very frustrating process. But they worked with the authorizing committee like the Appropriations Committee, and authorizing committees should work around this House, and have completed the military construction bill working together.

This bill also recognizes and rewards the equally patriotic and committed civilian workforce. Passage of the bill signifies America's continued and unwavering support for all of our military troops, active, Reserve, Guard, airmen, sailors, Marines. I ask you to support the troops. Vote ''yes'' on the Ronald Reagan National Defense Authorization Act for Fiscal Year 2005. It is an act that you can be proud of.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER), the ranking member on the Subcommittee on Total Force.

Mr. SNYDER. Mr. Speaker, I want to thank the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) and also the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Total Force. I think this is an excellent bill, and I encourage everyone to support it.

Mr. Speaker, one of the issues in the bill I also want to talk about is health care. One of the issues we face as a Nation is health care and the growing number of uninsured. We have 45 million uninsured, and it is growing. This is uninsured people for an entire calendar year. In the 2-year period, the

Commonwealth Fund says that over 80 million people have part of this time without health insurance. Since early 2001, we have had almost 4 million people lose their employer-provided health insurance.

I am from Arkansas. We have had several thousand people activated for deployment in our military forces. This occurred about a year ago. About 20 percent of them were not medically fit for military service. Think about it. The richest country of the world and 20 percent of our folks were not medically fit when they were activated.

Well, this also relates to health insurance because a lot of them do not have health insurance. People without health insurance do not keep up nearly as well with their health problems. Two years ago, the Congress and this country put a provision in TRICARE to help with this problem. And we said, and this is the current law, 90 days before an activation, a person who is activated goes on TRICARE with their family. It will extend 180 days after their activation deployment ends. That law is unchanged.

Importantly, what is in this bill is this: After the person returns, after 180 days at the end of their deployment, they are on TRICARE. They can make the decision to elect to sign up for TRICARE for themselves and their family as long as they are staying in the Guard or Reserve forces. For every 3 months of their deployment, they can sign up for a period of 1 year on TRICARE insurance if they want to pay 28 percent like all Federal employees do.

What does all that mean? It means, if you were deployed for a year, you come back, get your 180 days of free TRICARE. You can sign up and pay the 28 percent premium and get 4 years of health insurance for yourself and your family. I think this is a great incentive.

I rise in support of the defense authorization conference report. As the Ranking Member of the Total Force Subcommittee, I am proud of the accomplishments that we have achieved on behalf of device members, retirees and their families.

The bill includes a number of provisions that improve and increase benefits for military personnel, including the Reserves and National Guard. all of our men and women in uniform are making extraordinary sacrifices in support of the war against terrorism, and we need to recognize their contributions by providing benefits that will enable them to support a quality of life for themselves and their families.

I want to recognize the chairman of the Total Force Subcommittee, JOHN MCHUGH, and the Chairman of the committee, DUNCAN HUNTER, and the Ranking Member of the full committee, IKE SKELTON, for their efforts to complete conference before we adjourn this year.

Mr. Speaker, I want to share with my colleagues why it is important that we pass this conference report for the Armed Forces.

We increased end strength for the Army by 20,000 and the Marine Corps by 3,000 in fiscal year 2005; we provide a pay raise of 3.5 percent to all uniformed service members; we protect the commissary and exchange benefit; we include a number of provisions that seek to ensure that the Department and the Services are providing adequate monitoring, tracking, prevention, treatment and improved medical readiness for the forces; and we required the Secretary of Defense to develop policies and procedures on the prevention and response to sexual assault in the military.

Given the steadily growing demands on the Guard and Reserve, the bill includes a number of benefit enhancements that seek to recognize their contribution and provides incentives for them to stay in uniform.

We expanded duty health care coverage to non-active duty reservists and Guardsmen who were called or ordered to duty for more than 30 days since September 11, 2001, and who commit to continued service in the Selective Reserves after their releases from active duty; we made permanent several of the demonstration authorities that were implemented by the Department of Defense to address the health care needs of the reserves and Guard, such as transitional pre and post-health care coverage for activated reservists; we increased a number of bonuses and special pays available for the reserve and Guard; and we clarified that operational activities in the interests of national security can be conducted under Title 32, which allows Governors to address potential terrorist threats against our country.

The bill also addresses the highest priority for our military retirees and their survivors. We phase out the Widow's Tax over the next four years. No longer will survivors of military retirees have their benefits reduced when they reach age 65; and, we also provide immediate concurrent receipt to retirees who are also rated at 100 percent service connected disabilities.

Mr. Speaker, this is an important bill for our military personnel and it is imperative for those currently serving on the front lines in combat that we pass this bill before Congress adjourns.

I urge my colleagues to support this bill.

Mr. HUNTER. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey (Mr. SAXTON), the chair of the Subcommittee on Terrorism, Unconventional Threats and Capabilities and oversees our special operators.

Mr. SAXTON. Mr. Speaker, let me thank the chairman and the ranking member, the gentleman from Missouri (Mr. SKELTON), for the great leadership that has brought us to the floor now for the second time: first, to, of course, approve the bill; and now, to approve the conference report.

I rise in strong support of the conference report on H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005. I am pleased to report to my colleagues that the conferees have produced an outstanding bill. I thank our distinguished chairman, my good friend, the gentleman from California (Mr. HUNTER), for dedicating this year, as has been said before, as the year of the troops. Under his leadership and Senator WARNER's leadership, the conferees crafted legislation replete with initiatives to make significant improvements that will help our troops.

The bill will provide the resources and direction to better protect our men and women who are selflessly serving in dangerous conditions overseas, and we have not forgotten our valiant warriors in the Special Operations Command. For example, we authorized funds for several items on the SOCOM commander's unfunded requirements priority list and have authorized additional funding that would provide some necessary operational additional flexibility.

Second, the bill provides increased funding for technologies to help in combating terrorism, extremely important items.

Third, we continue to expand our successful initiative of last year to develop chemical and biological defenses, countermeasures and have provided additional funding for procurement of chemical and biological defense equipment.

The bill recommended by the conferees recognizes that we are, in fact, at war. American lives are at risk each day, and in fact, too many have already paid the ultimate sacrifice. This is an excellent bill, and I urge everybody to support it.

Let me bring up one other subject, Mr. Chairman, under the leadership of the Subcommittee on Projection Forces, the gentleman from Maryland (Mr. BARTLETT), we have included language which speaks to a need going forward. Obviously, we have got great men and women in the armed services, but we have to be sure we can get them to the fight in a timely fashion.

The follow-on to the C–141 aircraft, our old workhorse, the C–17, has proven to be a marvelous weapons system. Initially, we committed to buy 110. We saw the need for additional ones, and in the meantime, we have increased the buy by 70 aircraft, making it total, by 2008, of 180 which will come off the line.

Since the beginning of this program we have known that we would need at least 220. And there is language in this bill, in report language, to encourage the Air Force for an additional buy of at least 57 aircraft, bringing the total to 222.

Mr. Speaker, let me just ask the chairman, this provision, I believe, is very important, and we have had this conversation before. We need to get to the fight in a timely fashion, and I believe, as does the chairman, that this additional buy is necessary to accomplish that goal.

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

Mr. SAXTON. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I would answer the gentleman that this aircraft has proved to be a superb performer and lift. We are behind on air lift. We need more air lift, and it is the perfect candidate for this job of expanding our air lift to the point where we can project power around the world in the way that we have planned and are today somewhat deficient.

Mr. Speaker, I would like to say that I have had numerous conversations with high level Air Force officials on this matter, and we want them to know that the language that is in the subcommittee chairman's language, the gentleman from Maryland (Mr. BARTLETT), as well as in the Senate language in the bill passed in the other house is serious. This is a serious matter. And we hope that they will fully take it into consideration as they make decisions about how to move forward on this matter.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ), the distinguished member of the Committee on Armed Services.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of the Department of Defense Authorization Conference Report. And I am pleased that the report includes a number of provisions that I have worked hard on in this committee. For example, it requires the Department of Defense to make recommendations about how to alleviate the financial burden that we have placed on many of our Guard and Reserve families. It calls for establishing joint training programs of military and civilian personnel for post-conflict reconstruction operations.

It expands the mission of the Task Force on Sexual Harassment and Violence at the service academies to look at sexual assault across all of our military services, and it requires the Department of Defense to analyze the legal codes that are currently being used to prosecute sexual assaults. We have to make sure that the morale of our soldiers, in particular our women soldiers, is not undermined by mistreatment within our own military.

There are elements missing from the bill that would have made this legislation even stronger. I am disappointed that we were not able to close the pay gap between the Guard and Reserves even more because our Guard and Reserves now comprise over 43 percent of our forces in Iraq.

I also wish that we could have done more to expand child care and family services for our service members. And I am also disappointed that we are going to go ahead with the development of a new nuclear weapon, the robust nuclear Earth perpetrator. This is particularly troubling at a time when we are asking other nations around the world to stop their emphasis on pursuing nuclear weapons. I think that we are sending a very mixed message here.

Overall, I think this is a great bill, and I thank the chairman, and I thank the ranking member for putting it together and for supporting some of the initiatives that I have been championing in the committee. In particular, I thank my ranking member.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. MCHUGH), the gentleman who has the responsibility of overseeing this 2.5 million person force wearing the uniform of the United States, a gentleman who oversees all of our personnel operations.

Mr. MCHUGH. Mr. Speaker, I thank the chairman for his gracious comments.

Like every other Member that has risen here today, I certainly want to extend both my appreciation and my admiration to the distinguished chairman of this full committee and his partner in this, the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member, for the terrific work they did. The challenge in bringing this bill together is not disagreeing as to what needs to be done; it is deciding, of all those important steps we can and probably should take, which ones should we take now as we begin to work on a new agenda, almost immediately.

□ 1930

I think the committees in both bodies have done a terrific job in doing that.

I also want to thank the gentleman from Arkansas (Mr. SNYDER), our ranking member, who is my partner in our endeavor to try to provide those programs that are usually most associated with the welfare, the morale of our troops, of our brave men and women in uniform. It is so important at all times, but certainly in this period of great conflict and turmoil across the planet.

We have many good things in this bill, much of which has been discussed, and all of us are flattered on the subcommittee that members of the committee are deservedly, understandably, taking a great deal of pride in those.

There are a couple of things that may not have been mentioned as succinctly as they might have. One is the increase in end strength, Mr. Speaker, something that many of us have been working on for a good number of years, in our opinion, a key to alleviating the stress and the operations and the personnel tempo that our Guard and Reserve and our active components have been under;

A 23,000 total in the next fiscal year increase to the Army and to the Marine Corps, a 3.5 percent increase in basic pay for members of the Armed Forces, a continuation of the year-by-year commitment that this committee has made to making life in the military a little bit more livable;

Permanent increases in imminent danger pay and family separation allowance;

Those very modest but very important kinds of pays that recognize that when a member is away at war, he or she is paying a price, but of course, so are the families back home who miss their loved ones as they are out doing the hard work of freedom.

We have talked about the increased health care benefits that are so important that play into readiness but also are critical to the fairness as we are in an era of increased utilization of the Reserve component and, as the gentlewoman from California said so correctly, are playing such a vital role, such a high percentage of our war on terror, and on and on and on.

Lastly, I would like to mention a $7 billion program, a program that we will, in 4 years, reverse years and years of inequities and injustice. The Social Security survivor benefit plan offset will be corrected, something that the veterans service organizations have made their number one priority in this bill, and this Congress and this committee did it.

So I urge all my colleagues to join in support of what is a terrific bill in critically important times.

Mr. SKELTON. Mr. Speaker, I take pleasure in yielding 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H.R. 4200.

I also rise to thank the gentleman from Missouri for his efforts on behalf of the men and women who serve our country now and in remembrance of those who have served our country in the past. The gentleman from Missouri made it possible to put within the National Defense Authorization Act a provision to recognize those who served our country in World War I.

The Liberty Memorial is that landmark which is designated as America's foremost World War I memorial in this legislation. It is a powerful tribute to those who served and gave their lives for freedom.

By recognizing America's foremost World War I memorial, the Liberty Memorial in Kansas City, world leaders from the war have come repeatedly to Kansas City, to dedicate it 78 years ago and to renew it currently, and generations for the future will come to the memorial and understand better the war that was fought and why it was important.

I thank the gentleman.

I rise in support of H.R. 4200. The Liberty Memorial in Kansas City, MO, is the Nation's only museum devoted exclusively to preserving the memory and teaching the lessons of World War I. A provision in the National Defense Authorization Act would bestow upon one of the city's most historic landmarks, recognition as America's foremost World War I memorial.

When the site for the Liberty Memorial was dedicated on November 1, 1921, the main Allied military leaders spoke to a crowd of close to 200,000 people. It was the only time in history that these leaders were together at one place. In attendance were LTG Baron Jacques of Belgium; GEN Armando Diaz of Italy; Marshal Ferdinand Foch of France; GEN John J. Pershing of the United States; and ADM Lord Earl Beatty of Great Britain.

The city of Kansas City, the State of Missouri, and thousands of private donors and

philanthropic foundations have contributed, and continue to contribute, millions of dollars to build and restore this national treasure.

The Liberty Memorial has been a landmark in Kansas City for 78 years. It is a powerful tribute to those who served, and those who gave their lives for freedom. I was proud to work with Representative IKE SKELTON, the distinguished ranking member of the Armed Service Committee, to include this provision in the National Defense Authorization Act, to reaffirm our Nation's commitment to educating current and future generations about the lessons of World War I.

I thank the gentleman from Missouri.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. EVERETT), who oversees our strategic forces in the Subcommittee on Strategic Forces.

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

Mr. EVERETT. Mr. Speaker, I want to also start by recognizing the gentleman from California (Mr. HUNTER), our chairman, an old-time friend of mine and I think probably the most patient chairman I have ever served with in my 12 years in Congress. His skill in leading this committee has been outstanding.

And we have the contributions also of the gentleman from Missouri (Mr. SKELTON).

I rise in support of the conference report to accompany the fiscal year 2005 National Defense Authorization Act. This legislation supports the administration's objective while making significant improvements to the budget request. The gentleman from California's (Chairman HUNTER) theme of supporting the warfighter is retained throughout the entire measure. Moreover, our national security investment must continue the development of transformational capabilities of future systems, and this conference report meets that goal.

In the area of military space, the Department of Defense has embraced the benefits space provides to our warfighter. Unfortunately, DOD has experienced significant trouble on several high-priority programs. I look forward to working with DOD to correct areas of concern and ensure their success for the future.

However, I am equally concerned over our congressional actions that have cut Space-Based Radar and Transformational Communication Satellites to anemic levels. This cannot continue if we are to be serious about moving to the future and continuing the transformation of our combat operations.

Within Atomic Energy Defense Activities, the bill funds the National Nuclear Security Administration at the budget request. The conference report includes reductions for directed stockpile work, while adding $50 million for infrastructure upgrades, much needed I might add.

The conferees have fully funded cleanup activities at $6 billion for defense site cleanup. We have taken a significant step towards resolving the waste incidental to reprocessing matter, which will allow for further cleanup to go forward at several sites across the country.

The conference report also makes substantial changes to the Energy Employees Occupational Illness Compensation Program administered by the Department of Energy. Specifically, this program, designed to help sick former atomic weapons workers, has been shifted from the Department of Energy to the Department of Labor. In addition, the conference report establishes Federal compensation payments to resolve long-standing problems with the lack of a willing payer under existing State Workers' Compensation.

Finally, Mr. Speaker, I would be remiss if I did not recognize my ranking member, the gentleman from Texas (Mr. REYES) for his contribution, and the remainder of my Members on both sides of the aisle, staffs. I think we faced some of the most difficult policy decisions in the House Committee on Armed Services, and I want to express my appreciation for their hard work in protecting this Nation's security.

Mr. SKELTON. Mr. Speaker, I take pleasure in yielding 4 minutes to the gentleman from Washington (Mr. DICKS), a senior member of the Committee on Appropriations.

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

Mr. DICKS. Mr. Speaker, I thank the gentleman from Missouri for yielding the time, and I would like to talk about tankers, a subject that has been very important to me, and I want to compliment the conferees for the agreement that was reached on this important issue.

I would like to engage the chairman, if I could, just in a discussion. It is my understanding that we have in this bill an authorization for the procurement, no leasing, but the procurement of 100 tankers; is that not correct?

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

Mr. DICKS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, the gentleman is correct. There is $100 million that authorizes SECDEF to procure 100 tankers on a multiyear basis.

Mr. DICKS. Right, and it is my understanding that on the question of support work that that will be recompeted; is that not correct?

Mr. HUNTER. Any support work, since we are not doing a lease, support work obviously is entirely appropriate that that be competed, and I know that there are organic depots, as well as private sector, that look forward to engaging in that.

Mr. DICKS. Mr. Speaker, there are a number of studies that the Secretary of Defense has ordered. Those studies have to be completed, and then the Secretary will make a decision based on the information, especially the analysis of alternative study; is that not correct?

Mr. HUNTER. Mr. Speaker, the gentleman is absolutely right, and the language that was in from the other body that had very large barriers to early production, that is, requiring that we go with the totally new production activity, that we not engage in a low-rate initial production, that LRIP be done away with, and a provision requiring bringing in outside competitors, which to me means bringing in a foreign bird which is manufactured by Airbus, all of that language was stricken. So what we are left with in this conference report is an authorization for the Secretary to utilize $100 million, which presently exists, for the multiyear procurement of 100 tanker aircraft.

Let me tell the gentleman, we need those tanker aircraft. The old Eisenhower aircraft are not going to last us much longer, and the projection of American air power requires that we have a fleet of new birds ready to carry American force projection around the world.

Mr. DICKS. Mr. Speaker, I certainly agree with everything that the chairman said. The most important point is that we do not have to go back and have another procurement, because if we did that, it would take years and years before we would start getting the tankers; and I believe it is the position of this Congress that this is going to be built by an American company. So I want to commend the gentleman.

I also want to say that every plane that bombed in Iraq and Afghanistan had to be refueled multiple times, and what I worry about is a shutdown, if we had a failure.

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

Mr. DICKS. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, I would just like to make one point, and I talked about the C–141s wearing out a little while ago. We replaced them. We are in the middle of the buy to replace the C–141 with a C–17.

When the average person looks up in the air and sees a military aircraft, they do not very often think about these planes wearing out. Well, these planes are over 40 years old, and as a matter of fact, the Air Mobility Command was just forced to put down or take out of service almost 30 of these KC–135 aircrafts, the aircraft that we are trying to replace, because they are worn out, they are corroded, they are old, and we are unable to use them safely.

Mr. DICKS. Mr. Speaker, this is one of the most important systems we have for projecting U.S. power around the world, and tankers and EA6Bs, we just cannot go to war without those two things, and that is why this is so important.

I rise today in support of this conference report. I would like to commend Chairman HUNTER and Ranking Member SKELTON on reaching a final agreement with the Senate on

this complex and vital legislation. I would also like to express my personal thanks to both of you, and to the rest of the conferees, for working out a fair compromise on the issue of aerial refueling tanker aircraft.

The conferees on the Defense Authorization bill have given the green light to a 100 aircraft tanker program using multi-year procurement authority. The agreement would not allow the leasing of these aircraft, but it would get the tanker procurement program started in FY05 and ensures the costs savings to the taxpayer of entering into a newly negotiated multi-year contract for 100 aircraft. The agreement also requires that maintenance of these aircraft be competed, with government workers being given a chance to perform the work. I strongly support this compromise.

The provisions in this bill, when combined with the $100 million Tanker Replacement Fund established in the FY05 Defense Appropriations bill, ensure that the Secretary of Defense will have the money and the authority to begin a tanker program next year. Although this is later than the Air Force, and this Member, preferred, it is still important progress, because the Air Force desperately needs to begin replacing these aircraft.

All of the KC–135 refueling aircraft that the Air Force flies today were produced between 1957 and 1963. The youngest of these planes are now over 40 years old. They are riddled with corrosion and 29 of them were recently grounded due to problems with their engine struts. At the same time, our aerial refueling capability is an increasingly important part of our military capability. These aircraft are what make this country a superpower, capable of projecting power around the world. Every aircraft that flew into both Iraq and Afghanistan for air strikes had to be refueled multiple times. The danger if we don't begin to replace these planes is that we could have a block failure, which could ground over 900 of our refueling aircraft. That would cripple the military of this country, and ground our Armed Forces at a time when they are deployed around the world, That outcome is simply unacceptable.

I also want to take note of the excellent work the Armed Services Committee has done in this bill by raising the cap on the Military Housing Privatization Initiative. This program is essential to the quality of life of the Armed Forces. By raising the cap on this program, we will ensure that it can continue through fiscal year 2005 and beyond. As we meet here today, this program is building hundreds of new homes for soldiers at Ft. Lewis in Washington. I've visited these new homes. They are very attractive well-built homes, and the soldiers and their spouses are very excited about this program.

I would also like to thank the chairman and ranking member for authorizing a military construction project in my district to relocate the Fox Island Naval Laboratory. The conference report authorizes an $18 million project to relocate this facility, a move which will substantially improve the security and capability of this facility. The first phase of the project, nearly $7 million, was approved by the House earlier this year.

I urge every Member to vote for this conference report.

Mr. HUNTER. Mr. Speaker, I think it is appropriate we follow this discussion with the gentleman who chairs the Subcommittee on Projection Forces, which oversees the projection of aerial forces as well as naval forces around the world. I yield 2 minutes to the distinguished gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, many thanks to our great chairman and ranking member for a job well done.

Our subcommittee portion of H.R. 4200 will provide the men and women in the Navy, Marine Corps and Air Force with better tools now and in the future to meet the challenges to win the war on terrorism and ensure continued U.S. Naval superiority.

One reason for that is the dedication of the gentleman from Mississippi (Mr. TAYLOR). I am grateful for our strong and cooperative relationship. I am also very pleased by the hard work of all of our colleagues on the Subcommittee on Projection Forces. I want to add a very special thanks to our very good and hardworking staff.

One of the most important provisions in this bill is a shipbuilding initiative to strengthen the ability of America's shipyards to compete in the global marketplace.

The LHA(R) amphibious assault ship program initiative will ensure that the Navy and Marines will benefit from improved capabilities while stabilizing America's industrial base capacity. It would not have been possible without the leadership of the gentleman from Mississippi (Mr. TAYLOR) and Secretary Young.

Other shipbuilding initiatives include commencement of the LCS, Littoral Combat Ship, and the DD(X) advanced destroyer programs and a modernization program for the DDG–51 Aegis destroyer.

The bill supports modernization of the B–2 bomber and the development of the JSF, Joint Strike Fighter.

This bill is critical to meet the challenges and demands placed upon our armed services to prevail in the global war on terrorism. It strikes a fine balance between modernization of existing weapons programs and platforms and the development of new systems. This is an extraordinary challenge.

The surest path to peace is to prepare for war. With H.R. 4200, we take important steps to equip our forces for the future. I urge all of my colleagues to support H.R. 4200.

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Mr. SKELTON. Mr. Speaker, I take pleasure in yielding 3 minutes to the gentleman from Texas (Mr. REYES), who is the ranking member on the Subcommittee on Strategic Forces.

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

Mr. REYES. Mr. Speaker, I thank the ranking member for yielding me this time, and I congratulate him and my good friend, the chairman, and the great staff on both sides of the aisle for a great job on this bill.

Mr. Speaker, as ranking member of the Subcommittee on Strategic Forces, I rise in support of this bill. The chairman of our subcommittee, the gentleman from Alabama (Mr. EVERETT), and I agreed on most of the issues that came before our subcommittee, but on those few issues that we did not agree on, the debate was always cordial and respectful. And I want to thank my good friend and colleague, Chairman EVERETT, for his leadership and for his friendship. I thank him so much for working to get this done.

In conference, our subcommittee had jurisdiction over legislation that will greatly improve the lives of tens of thousands of Cold War heroes and their families. In 2000, Congress enacted the Energy Employee Occupational Illness Compensation Program Act, which set up two different programs, one administered by the Department of Labor and one by the Department of Energy. To eliminate many flaws in the DOE program, this conference report transfers the DOE program to the Department of Labor, establishes a clear compensation system, and ensures that workers will receive their medical benefits and compensation for lost wages by making it a mandatory spending program.

These workers may not have worn military uniforms, but they built the weapons that deterred the Soviet Union throughout the Cold War, and they were literally poisoned while doing this. I thank my colleagues on both sides of the aisle and in both Chambers for working to fix these important programs.

I also want to speak to another very important issue to all of us that was handled by the Subcommittee on Military Readiness on which I also serve. Almost half of our military family housing units are rated today in very poor condition. Our conference report tackles this shameful problem by saving the military housing privatization initiative. This program was nearly killed by budget resolutions in both Chambers, which neglected to make budgetary headroom that needed to be lifted so that the statutory cap on spending would provide that growing room.

A number of us have been fighting to rescue this program all year long. I am proud to say we finally prevailed, and tonight the program is saved and military families will have their housing renovated and, in some cases, rebuilt. If we had not eliminated the limit, however, the privatization housing program would have reached the cap within a couple of months and our efforts to eliminate substandard military family housing, which we all very much care about within the United States, within the next 5 years would have been derailed.

Mr. Speaker, this bill contains many, many items. I support most of it. And while I disagree with a few, the fact that we are finally and fairly compensating our sick Cold War workers and the fact we are rescuing the privatized housing program, and thus helping

50,000 military families over the next 2 years alone, makes this bill worth supporting.

Mr. Speaker, I urge all my colleagues to support this bill.

Mr. Speaker, as Ranking Member of the Strategic Forces Subcommittee, I rise in support of this bill. Chairman EVERETT and I agreed on most of the issues that came before our subcommittee, but on those few issues where we did disagree, the debate was cordial and respectful. I thank my friend and colleague, Chairman EVERETT, for his leadership.

In conference, our subcommittee had jurisdiction over legislation that will greatly improve the lives of tends of thousands of Cold War heroes and their families. In 2000, Congress enacted the Energy Employee Occupational Illness Compensation Program Act, which set up two different programs—one administered by the Department of Labor and one by the Department of Energy (DOE). The Labor program focused on DOE employees with three specific diseases: chronic beryllium disease, silicosis, or cancer caused by radiation. The DOE program was for workers who suffered from illnesses other than those three diseases. The DOE was charged with helping these workers recover lost wages through their state workers' compensation system.

By all accounts, the Labor Department has efficiently covered medical costs and provided compensation to those affected workers or their survivors under their charge. Unfortunately, the DOE program was conceptually flawed and wrought with incompetence and mismanagement. To date, 25,000 workers have filed claims with the DOE, but relatively few have had their claims processed—and even fewer have received any compensation.

To eliminate the many flaws in the DOE program, this conference report transfers the DOE program to the Department of Labor, establishes a clear compensation system, and ensures that workers will receive their medical benefits and compensation for lost wages by making it a mandatory spending program. These workers may not have worn military uniforms, but they built the weapons that deterred the Soviet Union throughout the Cold War, and they were literally poisoned while doing so. I thank my colleagues on both sides of the aisle and in both chambers for working to fix these programs.

I want to speak to another important program handled by the Readiness Subcommittee, on which I also serve. Almost half of our military family housing units are rated in poor condition. Our conference report tackles this shameful problem by saving the Military Housing Privatization Initiative (MHPI). This program was nearly killed by budget resolutions in both chambers which neglected to make budgetary headroom needed to lift the statutory cap on spending. A number of us including SOLOMON ORTIZ, JOEL HEFLEY, CHET EDWARDS, and IKE SKELTON, among others, have been fighting to rescue this program all year long. I am proud to say that we finally prevailed. If we had not eliminated the limit, the privatized housing program would have reached the cap within a month or two and our efforts to eliminate substandard military family housing in the United States within the next five years would have been derailed.

Mr. Speaker, this bill contains many items. I support most, and I disagree with a few. But the fact that we are finally and fairly compensating our sick Cold War workers and the fact that we are rescuing the privatized housing program—helping 50,000 military families over the next two years alone—make this bill deserving of bipartisan support.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas (Mr. REYES) for his outstanding work and for going time and again to the war-fighting theaters in Afghanistan and Iraq, and all our Members who did that throughout the year to get information to help put this bill together.

Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. SMITH), who was a very distinguished outside conferee from the Committee on Science.

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I thank the chairman for yielding me this time, and I thank the ranking member, the staff, and the rest of the members for doing a good job on this bill. I am an outside member because my Subcommittee on Research on the Committee on Science overseas the U.S. Fire Administration, and this legislation reauthorizes the Fire Grant program.

By the end of this year, we will have 25,000 fire grants awarded in the United States, and I understand that every congressional district will have had a grant to a fire department in their district or operating for their district.

Volunteers in the United States cover most of the fire protection for areas of the United States. One concern in this fire grant bill reauthorization was that the Senate rejected an offer by the House to encourage volunteers. Let me tell you what happened. In the language in our House bill we had a bipartisan provision that said you cannot discriminate against full-time firefighters volunteering when they go back to their home districts. We were told that the IAFF opposed and that it would be thrown out and the Senate conferees would rather have no fire grant program than have that language in the bill. So sadly for volunteers that language is not in the bill.

But everybody should understand that volunteer firefighters are incredibly selfless, putting their lives at risk for usually no reward greater than the knowledge that they are making their community a safer place. Many career firefighters actually get their start as volunteers, only joining the paid department after they have attained a basic level of training and experience. The fire grant program is an excellent program. Volunteers in the United States add enormously to our first-line home protection and volunteerism should be encouraged.

Passage of this legislation will extend the Assistance to Firefighters Grant Program through 2009. The fire grant program was started 5 years ago in this bill. It has dramatically improved public safety in this country. Through fiscal year 2003, nearly 17,000 fire departments have received assistance to purchase vital equipment, vehicles, and training, and it is estimated that an additional 8,000 will receive grants this year.

The fire grant program is extremely effective for our homeland defense. Grants are distributed based on the recommendations of panels of nonbiased firefighters, who rank grant applications based on merit. The funding goes straight to the departments that need it most without being held up by political considerations, complex formulas or bureaucratic red tape.

Unfortunately, the reauthorization will do nothing to protect career firefighters from being discriminated against for volunteering during off-duty hours. Many career firefighters who volunteer in their home communities when they aren't at work are actually harassed for doing so. In some career fire departments, volunteering can even be grounds for termination. The House bill to reauthorize the fire grant program, H.R. 4107, included important language prohibiting a fire department that receives grant funds from discriminating against, or prohibiting its members from engaging in volunteer activities during off-duty hours.

A provision was unanimously supported by the bipartisan leaders of the House Congressional Fire Services Caucus. Unfortunately, we ran into a brick wall when we got to conference. The Senate conferees were prepared to forgo reauthorizing the fire grant program altogether if the volunteer nondiscrimination language was included. Their position didn't even budge when we offered to compromise by simply calling for a study on the issue.

Volunteer fire departments are vital in protecting small communities, especially in rural areas like my hometown of Addison, Michigan. Volunteer firefighters are incredibly selfless, putting their lives at risk for no reward greater than the knowledge that they are making their community a safer place to live. Many career firefighters actually get their start as volunteers, only joining a paid department after they have attained a basic level of training and experience.

It is unfair that any volunteer would be told that he or she must choose between a job and volunteering to protecting their friends and neighbors. They should be able to provide their invaluable skills, knowledge and expertise to their hometown departments without harassment and retribution from employers. Eliminating volunteer firefighters would compromise safety in thousands of communities across the country like my own that simply do not have the resources to maintain anything but a volunteer or combination fire department.

And yet a provision that would have protected these noble public servants was unacceptable to our counterparts on the other side of the Capitol. What compelling argument was it that convinced them to risk reauthorizing the fire grant program? How did they become so intractable as to be willing to turn their backs on a program that they have a strong history of supporting, even over a study?

The International Association of Fire Fighters, IAFF, established the position that the Senate conferees ended up adopting. The IAFF opposed passage of H.R. 4107 because of the volunteer nondiscrimination provision. This isn't surprising seeing as their own constitution prohibits members from volunteering.

I think they figure that if you get rid of all the volunteers, municipalities will be forced to hire new full time union members. Maybe this makes sense to union lobbyists in Washington, but it doesn't seem fair to the thousands of career firefighters that choose to volunteer out of a sense of civic duty, and it reflects poorly on the Senate conferees who sided with the IAFF over rank and file firefighters and the interests of public safety.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Once again the Chair would admonish Members that it is not in order to cast reflections on the Senate or its Members individually or collectively.

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

Mr. HUNTER. Mr. Speaker, I yield 2 minutes and 20 seconds to the distinguished gentleman from Florida (Mr. MILLER), a great member of the committee who is considered to be the godfather of the survivor benefit program that we have manifested in this bill.

Mr. MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I have never been godfather of anything, so I thank him very much; and, Mr. Speaker, I do rise to express my overwhelming support of this conference report.

With the passage of this conference report tonight, the ''widows' tax'' will die. It will die a year and a half more quickly than any other SBP bill that has ever been proposed because this amendment was vigorously supported by our chairman, the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Total Force, the gentleman from New York (Mr. MCHUGH), and defended amidst the Senate provisions with the House conferees.

This is an authorization measure of which this body can be proud. In less than 4 years from now, we will have fully restored SBP to what was promised from the beginning to America's surviving spouses. Since coming to this body, I have been working this issue, and so have many others. It has been nothing if not a team effort, and the time is right for this reform.

There are hundreds, if not thousands, of people who deserve to be recognized and thanked for their efforts. Nearly 80 percent of this body has cosponsored one of my two SBP bills in this Congress. The House Armed Services staff has worked at times literally around the clock to see this effort through. My colleagues on the Committee on Armed Services and on the Committee on Veterans' Affairs, and a host of others have all participated in Special Order hours, press conferences, letters of support, and in town hall meetings in districts across our country.

And, Mr. Speaker, I want to thank our Republican leadership for hearing our call on the urgency and the need for this reform. And I thank our President for meeting twice with VSOs on this issue, once in the oval office and once aboard Air Force 1.

To my constituents, whose letters, calls, faxes, e-mails, and personal comments over the last 3 years have kept us motivated to realize this goal, I am proud to represent northwest Florida here in the Nation's capital, and I am thankful in the aftermath of Hurricane Ivan's devastation throughout the State of Florida, I am able to bring this victory home to the Emerald Coast.

But it is not just the 3,200 survivors in my district who are one step away from seeing an increase in their monthly checks next year, Mr. Speaker. A quarter of a million military widows nationwide are part of this victory. This has been a grass-roots campaign in the truest sense, and I thank every American who has been a part of that.

Mr. Speaker, this Republican-controlled Congress has exceeded even my expectations. This is the kind of wrong we came to Washington to right, and I am proud to stand here with my chairman in full support of this measure and urge all my colleagues to vote in favor of this resolution.

Mr. SKELTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Georgia (Mr. GINGREY), who has done great work on the Committee on Armed Services.

Mr. GINGREY. Mr. Speaker, I rise in strong support of the fiscal year 2005 Defense authorization conference report, and I would like to thank and commend the gentleman from California (Mr. HUNTER), our chairman, and the ranking member, the gentleman from Missouri (Mr. SKELETON), and the staff of the Committee on Armed Services for their tireless efforts in support of our soldiers, our sailors, airmen and Marines who are bravely defending us at home and abroad.

Mr. Speaker, this is the year of the soldier, and this ''soldiers' bill,'' as the chairman describes it, does a remarkable job of covering a wide scope of issues that are vitally important to our armed services. From improving the Survivor Benefit Program to a 3.5 percent across-the-board pay raise, this conference report addresses the most pressing needs of our troops in a very trying time for America.

For our Reservists who have been activated, this bill will provide TRICARE standard coverage for them and their families while they are working to get their feet back on the ground when they return home. For every 90 days consecutive active duty service, the Reservists and their families are eligible for 1 year of TRICARE coverage while on nonactive duty status.

For our deployed soldiers, this conference report contains $728 million for new up-armored Humvees, $100 million for vehicle armor kits, and countless other provisions to protect our troops on the ground.

I am also grateful for the work the House Committee on Armed Services has done to fund the F/A–22 program this year. The funding for 24 planes will go a long way towards providing stability for the program and ensuring that America maintains air dominance for the foreseeable future.

Again, Mr. Speaker, I would like to thank the chairman and the ranking member of the committee for their hard work on this bill.

Mr. HUNTER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from California has 2 minutes and 40 seconds remaining; the gentleman from Missouri (Mr. SKELTON) has 7½ minutes remaining.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to thank our chairman, the gentleman from California (Mr. HUNTER), and the chairman of the Subcommittee on Strategic Forces, the gentleman from Alabama (Mr. EVERETT), for their strong leadership and hard work to ensure our national defense continues to be second to none in the world.

I would like to particularly thank and acknowledge their invaluable assistance, as well as that of the conferees and their staffs, including Bill Ostendorf and Hugh Brady, for their efforts and long hours to finalize the important details in section 3116 of the conference report to H.R. 4200.

This section allows the Department of Energy to fully process harmful nuclear waste currently being stored in aging tanks at DOE sites in Idaho and South Carolina in a timely and cost-effective manner that protects the environment.

I have no doubt that section 3116 provides the necessary and proper protections for my constituents in South Carolina because it requires the DOE to follow objective performance criteria and to continue to work with State authorities to ensure cleanup standards are strictly followed.

Again, I wish to thank the distinguished chairman for working with members of the South Carolina delegation, including Senator LINDSEY GRAHAM, the gentleman from South Carolina (Mr. DEMINT), the gentleman from South Carolina (Mr. CLYBURN), and particularly my colleagues on the Committee on Armed Services, the gentleman from South Carolina (Mr. WILSON) and the gentleman from South Carolina (Mr. SPRATT), to provide a safe and cost-effective means to protect our environment and communities from dangerous nuclear wastes. I urge my colleagues to support the conference report to H.R. 4200.

Mr. SKELTON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr.

CUNNINGHAM), my seat mate from San Diego, the great Top Gun.

Mr. CUNNINGHAM. Mr. Speaker, who are the men that support our military? It is the gentleman from Missouri (Mr. SKELTON), it is the gentleman from California (Mr. HUNTER), it is the men and women on this committee.

And who are they? Mr. HUNTER's dad, R. O. Hunter, was a Marine. DUNCAN fought in combat. His son just got back last weekend to greet a wife and his children.

□ 2000

I saw mothers march in a protest at the Republican convention that had lost their sons. I was not angry. I felt remorse and hurt for those people that we lost.

I rode on an airplane with a young man named Eddie Wright. He is a Marine that lost both his arms. Eddie Wright, when I fastened his seat belt, he would not let me help him eat. He said, Duke, one thing a Marine learns how to do is eat, and he was trying to do that with his prosthetic arm. He felt guilty about not being able to go back to his troops.

Supporting defense is more than just this bill. It is people like IKE SKELTON, SILVESTRE REYES, DUNCAN HUNTER, the men and women in both bodies that care. This is a good bill. It is more than a bill. It means life, and it means death. Thank you to both of you.

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

The remarks of my friend from California (Mr. CUNNINGHAM), who is a distinguished war hero in his own right, cause me to wish to say a word or two about those who wear the uniform and about those who wore the uniform.

Mr. Speaker, every Sunday morning, I have the pleasure of being with a group of men from my hometown of Lexington, Missouri, most of whom are veterans of wars of yesteryear, heroes in their own right, Marines of Vietnam, Army, Navy, my friend Vic Cosner who saw the very worst of battles in Europe during the Second World War.

We owe it in this Congress under the Constitution that charges our committee and charges this body with raising and maintaining the military to produce and care for and train young men and young women who can take the place of those who so nobly served our country in the past. That is what we are doing today.

A special thanks to our chairman, DUNCAN HUNTER, who worked tirelessly with us well into the evening to produce this bill and got it to the floor. A special thanks to every member of the Committee on Armed Services, Democrat and Republican, and the unsung heroes of all of this is the tireless effort of the staff of the Committee on Armed Services. We could not do it without them. We thank them so very much.

Mr. Speaker, I had a rare privilege 3 weeks ago of being able to address the new sailors who had just graduated, were graduating, from the Great Lakes Naval Training Station, Great Lakes, Illinois. MARK KIRK, our fellow Member of Congress, invited me for such an event. I spoke to them, and I thanked them, and I also read a letter to the graduates that my father had written his mother in 1918 from that very same Great Lakes before he proceeded on to serve aboard the USS *Missouri* of the day. I want everybody to know that those young sailors, men and women, stood so tall, and you could see the pride in their faces, but even more proud were the parents and the families, thousands of them, to see the some 900 brand new American sailors become part of the fleet.

So what we do in our own way here is to legally provide and maintain, but more than that, I think this effort and what we have done for those in uniform and the families, major steps to help them along the way. Cicero, the great Greek orator, said that gratitude was the greatest of all virtues. I hope that the efforts that we do today will show a bit of gratitude from this body to all of those young men and women who wear the uniform of the United States of America.

Ms. LEE. Mr. Speaker, I rise today disappointed but not surprised by the Bush Administration's escalating lack of interest in housing, and the rising affordable housing crisis impacting millions of families nationwide.

As we all know, housing is not only a basic human right but it serves as an economic engine for the market, and the foundation for intergenerational wealth building in many of our families.

Mr. Speaker, this Administration has put inconsequential energy into homeownership for the few; while people on the cusp of becoming homeowners, lifetime renters, and many in public housing are deliberately left behind.

The Department of Housing and Urban Development's budget has severe proposed cuts for 2005; and it's sad when housing advocates hope Congress passes a Continuing Resolution to keep funding level, instead of hoping for a better, bigger budget.

The Administration cut pubic housing funding dramatically. By HUD's own admission, the President's proposed budget cuts at least $1.63 billion from baseline programs.

For example, the Community Development Block Grant program's funding has fallen by some 9 percent in real terms since the Bush Administration took office.

The Bush FY'05 budget for HUD zeroed out several programs, including: the Brownfields program, the Rural Housing and Economic Development program, and the Empowerment Zones programs.

The Bush budget also rescinds $675 million in funding for Section 236 projects; a program that supports elder housing services; and cuts in public housing lead paint eradication grants by $35 million.

And what is most concerning is the Bush Administration's efforts to cut and block grant the Section 8 program.

The Bush Budget for 2005 would cut $1.633 billion from the level needed just to renew all expiring Section 8 vouchers. This is the equivalent of funding for 231,260 voucher holders, families, veterans, and our elderly.

Block granting and cutting funding for Section 8 has a series of ripple effects.

The Bush proposal forces housing authorities to reduce the level of subsidy provided to voucher holders, by eliminating the requirement that the subsidy be based on a family paying no more than 30 percent of their net income for a fair market rental unit in their community.

The Bush proposal eliminates the "targeting" of scarce voucher resources to those in need—by dropping the requirement that 75 percent of new vouchers go to "extremely low income families", including those below 30 percent of local area median income.

The immediate consequence of the "Section 8 Dismantlement" proposal is the disruption of families' lives.

The Bush budget cuts and block granting will lead housing agencies to reduce desperately needed assistance, increase family rent burdens, stop helping families on waiting lists, and revoking previously-awarded vouchers to families who are still searching for a home.

A serious, longer-term consequence of the Section 8 block granting is the erosion of hard-won landlord and lender confidence in the program. This results in more and more landlords renting at fair market values that are guaranteed instead of extending a helping hand to those who are most in need.

Our failure to respond to local housing circumstances and costs has already led to some local agencies' inability to continue voucher assistance for currently-assisted families. Loss of assistance for these families can easily translate into homelessness, a condition that the Bush Administration and countless cities across the country have vowed to eradicate.

The continued dismantling of basic and necessary programs which provide affordable housing for average people must be stopped.

We must stop allowing the Administration to get away with making housing only a privilege for the few, because we all recognize it should be a basic and fundamental right for all.

Mr. Speaker, let's pass a real housing budget that reflects our commitment to providing affordable, quality housing for all and reverse the trend of the BAD Bush Budgets of the past.

Mr. BUTTERFIELD. Mr. Speaker, while I support the many strides forward the Department of Defense Authorization will represent, I must rise to note my great concern about a provision regarding the Outlying Landing Field OLF proposed for Washington and Beaufort counties in North Carolina.

I share the concerns of the community that the proposed OLF would displace 74 property owners, take 30,000 acres off the local property tax rolls, and could have a negative impact on the quality of life in the area. I also share the concern that the project could reduce the potential for tourism and economic development.

The funding was removed by the House, but the Conference Committee elected to retain the funding language. Washington and Beaufort Counties, along with environmental groups, are in litigation to avoid the OLF development. They were successful and the federal courts have ordered the Navy to cease all OLF development activity, pending the outcome of legal challenges to the Washington County site. More recently, the federal district

court rejected a plea by the Navy to reverse or narrow the scope of the injunction.

The Washington County OLF site is strongly opposed by many elected officials, citizens groups and by major North Carolina agricultural, property rights and conservation organizations. I stand with them in opposing this site.

While I oppose the inclusion of this funding, I cannot vote against fulfilling the needs of our brave fighting men and women. Under the bill we finally eliminate the social security offsets to the Survivor Benefit Plan payments for the spouses of military retirees; increase the number of troops for the Army and Marines; improve housing for our military men and women; and, create a reimbursement program for soldiers who were forced to buy their own body armor. These are just a few examples of the many accomplishments attributed to the bill.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to support the reforms to the Energy Employees Occupational Illness Compensation Program, EEOICPA, included in H.R. 4200, the FY05 Defense Authorization Act.

When EEOICPA was enacted in 2000, hopes were high. My constituents who became ill as a result of their work with radioactive materials felt that help was finally on the way. Four years later, the snail's pace of claims processing at the Department of Energy has only further hurt these workers.

Today, however, Congress will enact crucial EEOICPA reforms. All valid claims will be paid by the Department of Labor, thereby eliminating the need for claimants to go to state workers compensation systems. This also eliminates the need for a willing payer, which until now has been a significant roadblock for rewarding meritorious claims. Most importantly, funding the medical and workers' compensation benefits in this program will be mandatory. This ensures that the fate of our nuclear workers will not be subject to the whims of the annual budget.

These veterans of the Cold War have waited long enough to be compensated for the illnesses they incurred while serving their nation. I applaud these reforms, and I will continue to monitor the program closely to ensure that it works as intended.

Another significant change to the EEOICPA in this bill is that former uranium workers who were compensated under the Radiation Exposure Compensation Act will now be eligible for payments under EEOICPA, and will now receive assured payments rather than relying on discretionary appropriations. This is a promising step in the right direction for uranium workers, and I look forward to continuing work on the RECA program to address the needs of other qualifying groups, such as the downwinders.

I would like to thank the numerous people who worked incessantly on these reforms. It is my hope that these reforms help get this program back on track.

Mr. MEEHAN. Mr. Speaker, I rise today in support of the National Defense Authorization Act for fiscal year 2005. As the Ranking Member of the Terrorism and Unconventional Threats Subcommittee, I believe that the product before us today is, on the whole, a solid bill.

The House Armed Services Committee pledged to make this year the ''Year of the Soldier.'' Our soldiers are performing heroically despite the worsening conditions in Iraq. This Administration failed to get them the equipment they needed, the international support to relieve the burden on them, and the clear plan to win the peace.

After a year in which our military has been strained and overstretched like never before, I'm pleased that this legislation takes important strides toward honoring our heroes and strengthening our forces.

I'm pleased that this legislation authorizes critical force protection resources, including an additional $572 million in funding for Up-Armored Humvees and $250 million for add-on armor kits. It also includes a provision that would allow the Secretary of Defense to cut through red tape and rapidly field in-demand equipment when our troops need it.

Additionally, I'm pleased that my colleagues recognized the need to address the gaping holes in oversight of civilian contractors. The prisoner abuses at Abu Ghraib prison were an ugly example of what can happen without proper oversight.

This conference report includes the Contractor Accountability Act, which I introduced in May to ensure that non-Defense Department contractors are covered by the Military Extraterritoral Jurisdiction Act.

Finally, the bill makes many important quality of life improvements for our troops and veterans.

It phases out the Survivor Benefit Penalty over a four-year period and includes a 3.5 percent across the board pay raise for military personnel.

It also authorizes a much-needed increase in active-duty endstrength of 30,000 soldiers and 9,000 Marines. This administration has over-stretched our military to the breaking point. We need to increase the size of our volunteer military.

With respect to the Terrorism Subcommittee's mark, several provisions in this portion of the bill deserve praise.

First, I'm pleased we included a number of recommendations to streamline and accelerate the development and acquisition of technologies to combat terrorism.

Additional resources are provided in a number of areas: including chemical and biological research and detection.

The conference report also includes a provision I offered with Mr. TURNER of Texas to improve the manner in which we develop and acquire medical countermeasures against biological warfare agents.

I do not support every provision in the authorization bill.

I remain concerned about cuts to DARPA and several information technology programs.

I'm also very disappointed that the Hate Crimes Language was dropped. The Local Law Enforcement Enhancement Act will strengthen the ability of Federal, State and local governments to investigate and prosecute these vicious crimes. It is supported by more than 175 law enforcement, civil rights, civic and religious organizations as well as many bipartisan members of this Congress.

The bill also is silent on providing TRICARE benefits to non-active duty Reservists. I strongly supported the Senate provision that would have ensured that all Reserve Component members receive access to health care: Unfortunately, this language was also dropped.

We will be back fighting for these priorities. But for now, I urge my colleagues to join in me passing this bill.

Mr. HYDE. Mr. Speaker, I rise in strong support of this conference report. I believe that this important legislation provides the necessary resources and policy guidance to protect America's national security. I congratulate the gentleman from California, the Chairman of the Armed Services Committee, Mr. HUNTER, for his usual outstanding work in putting this important legislation together.

I want to address one provision in particular, section 1225, regarding commercial exports of defense articles and services to the United Kingdom and Australia.

For the first time, we will give our two closest allies in the war on terror preferential treatment in the U.S. licensing process. By requiring regulations to accelerate export licenses for these countries—rather than eliminating licenses as some had proposed—this provision establishes exactly the right balance: we will wisely maintain control and supervision over weapons shipped through commercial channels while the war on terrorism continues. But we require the State Department to do it rapidly, and ensure that longstanding allies who fight alongside our armed forces are always at the head of the line.

I would note that section 1225 allows other Federal departments or agencies to seek referral of licenses when the defense article or service being exported involves classified information or when exceptional circumstances apply. As a conferee on this section, I expect that referrals to other departments or agencies would be granted under the ''exceptional circumstances'' clause, among other reasons, when the proposed export involves items related to the war on terror or affects U.S. nonproliferation policy. Additionally, it should be absolutely clear that the ''exceptional circumstances'' clause does not prejudice referrals to those departments or agencies seeking referrals on law enforcement grounds.

Mr. ORTIZ. Mr. Speaker, I rise in support of the National Defense Authorization Act for Fiscal Year 2005. We are all proud of the tremendous sacrifice our military members make for the defense of our country. Our 1.4 million active duty service members, and an additional 875,000 citizen soldiers—National Guardsmen and reservists—are serving the nation under the most arduous of conditions in Iraq and Afghanistan. We owe these Soldiers, Sailors, Airmen and Marines a tremendous debt of gratitude for the service they provide in our defense. Their sacrifice is an honor to our nation; it is our responsibility to provide for their readiness.

I would also like to take time to recognize the thousands of government service civilians and private individuals who support the readiness of our service members and our military. Their sacrifice is sometimes overlooked but their jobs are vital to the continued success of our armored forces in this time of war. We could not fight and win without them and I thank them for their dedicated service to our national defense.

This act provides for the immediate needs of our Armed Forces and we have proactively considered their future needs as well. In this global war, we must not lose sight of the challenges we face in maintaining our readiness in the future. Our military has been engaged in combat for nearly three years. The equipment

and weapons systems our service members fight with has taken a tremendous beating in the harsh conditions of Iraq and Afghanistan. As this conflict drags on we must remain steadfast in our resolution to fully man and equip our maintenance and support activities to deal with battle damaged and worn out vehicles and weapons systems while at the same time we begin to transform our forces to new weapons and mobility systems.

I am very pleased that we were able to eliminate the cap on the privatized housing program. I was a co-author of the original provisions to establish the privatized housing program in the 1996 Defense Authorization bill. This is a ''win-win'' program that builds quality family housing for our troops and their families much more quickly than we could through the regular family housing construction process. The Budget Committees put this program in grave jeopardy by refusing to include any way to eliminate the cap in the budget resolution, but I am proud that our committee, on a bipartisan basis, was able to save the program. If we had not found a way to eliminate the cap, new housing for almost 50,000 families over the next two years would have been delayed indefinitely.

Mr. Speaker, I am disappointed that the House did not stick to its position, validated by a bipartisan majority on the House floor, to delay BRAC for two years. The Army is in the midst of restructuring itself. We are bringing two divisions home from Europe. We are revising our warplans to support new strategies and are still reviewing the division of labor between our active duty forces and our reserve components. Last but not least, we are still at war in Iraq.

With this many unknowns, I think it is irresponsible to push forward with BRAC. The House position to delay it for two years was the more prudent and responsible approach, and I am sorely disappointed that this provision was dropped in conference.

Mr. Speaker, we have done our best to provide for the Readiness of our Armed Forces who so selflessly serve in the defense of our Nation. I commend our Soldiers, Sailors, Airmen, Marines and civilians and thank them for their service.

Mr. Speaker, I urge my colleagues to support this act and I yield the balance of my time.

Mr. ORTIZ. Mr. Speaker, I am so disappointed in the result of the conference report, whereby they caved into the Senate language on BRAC, when the House made a significant statement to delay BRAC for 2 years.

We passed that matter by nearly 100 votes in the full House. Yet the conference ignored that. I am deeply disappointed. Since we conceived BRAC in 1989, the United States has sent troops abroad 24 times . . . to nearly every continent on the planet.

Our interests in democracy, in protecting other democracies and allies, in our own self-defense, as in Afghanistan . . . or building democracies as in Iraq . . . are global. That means our military forces stand on the wall far and wide in a dangerous world . . . and our interests are everywhere danger can gather.

We are at war . . . and there is a lot of uncertainty over the resources we need. Congress cannot fly blind, we need to fully evaluate our global posture situation . . . and we must hear the analysis on that before we allow BRAC to proceed. The war in Iraq—and the war in Afghanistan—are not the only unknowns we face. As Chairman HUNTER advocated and I supported—this bill increases our troop levels by 39,000.

We are also considering major movement of troops from South Korea and Europe back to the U.S. . . . So, where will we put them? You do not close major components of your military infrastructure while you are still unsure if you need it . . . and world events yet to happen over the next few years will dictate that need. The most-often heard arguments in favor of BRAC are that there is excess space we do not need, and it will save us money. I respectfully disagree with both prospects.

As for excess space . . . that could be a possibility in peacetime . . . maybe . . . but not now . . . not when the nation is at war. It's not entirely accurate to say we have excess space—does anybody know the current workload for our maintenance and repair? There is no excess space at the depot in my district. That will likely not change if the operations tempo continues at the present pace.

While I know we hear about cost savings associated with BRAC, I profoundly disagree with DoD estimates . . . mostly because they are not all-inclusive. For instance, in a recent GAO Report, the opening letter notes that DoD calculates net savings based on eliminating/reducing personnel and base ops . . . and the cancellation of mil con projects. That's it. Really? So the math doesn't include the astronomical cost to clean up the surrounding environment? The cost of clean up continually streaks upward.

I suppose if you leave out all the costs, it would appear to save money. But Congress should insist the Pentagon include all those costs if we are serious about understanding any savings in this. A GAO report presented to my Readiness Subcommittee says: ''BRAC rounds have generated substantial net savings . . . for the Department. We have . . . viewed these savings estimates as imprecise for a variety of reasons, such as weaknesses in DOD's financial management systems that limit its ability to fully account for the costs of its operations; the fact that DOD's accounting systems . . . are oriented to tracking expenses and disbursements, not savings; the exclusion of BRAC-related costs incurred by other agencies; and inadequate periodic updating of the savings estimates that are developed.''

As a member of this Congress, I'm more interested in the savings TO THE TAXPAYER than to the Department. So while the math provided by the Pentagon certainly shows on paper what they think will be savings, that math is only as solid as ALL the information on which they base decisions.

Another consideration in this discussion is the fact that the Department of Homeland Security has not nearly grown up into what it needs to be. It is a brand new, major reorganization of all the national assets that protect our families and the country. DHS may need to use some elements of the current military infrastructure as they determine future needs. It will be much harder to reacquire a property for the government if we dispose of it through BRAC.

At the end of the day, we'll be OK in this war—but we need ask the question: are we going to need additional training facilities? Training has been a concern in Iraq . . . we may need facilities a BRAC could close to use for training. When Congress designed a BRAC for 2005, we were at peace. Now we are at war, and near a BRAC that could very well dispose of military assets we will need again—either for a growing military or for DHS.

We didn't have to be tied to this schedule . . . we should not be sheep. This is the most bipartisan of matters. After many years in politics, I've discovered when friends on both sides disagree with you . . . you've hit the middle.

On another matter, I am pleased that the conference did restore funding for Military housing. The idea for public-private military housing was born in Kingsville Texas—after BRAC 95. The community wanted quality low-cost housing for area Naval bases. The idea was this: private developers would build quality homes for sailors and their families—and sailors would pay rent through their housing vouchers.

The program was so wildly successful; in 1996 Sec. Perry implemented it service-wide. The need is still enormous—service members and their families are still often in condemned or insufficient housing. It is a shame we had to beg and beg to get the conference to include this provision to keep our brave soldiers—and the families they leave to fight in wars beyond our shores—in housing that is not condemned.

I reluctantly signed the conference report, because it's too important not to. But I remain deeply offended that the House position on the matter of delaying BRAC was ignored by the conference.

Mr. LARSON of Connecticut. Mr. Speaker, as the Ranking minority member of the Committee on House Administration, I rise today in support of the two provisions in the DoD Authorization Conference Report for FY05 that are under the jurisdiction of my committee. The first provision addresses an innovative electronic voting project and the other highlights the need to support absentee voting.

Earlier this year, the Department of Defense cancelled the Secure Electronic Registration and Voting Experiment SERVE project. SERVE is a $22 million pilot program that was designed to test the reliability of Internet voting for 100,000 military personnel and civilians living overseas. Some academics have questioned the security of the system. I agree that any problems should be addressed before we move forward with Internet voting, but this is a very worthy project. If the military can send coded information to installations and battlefields around the world, we should be able to send votes across a secure, private system.

Fortunately, the Election Assistance Commission EAC is now charged with moving the SERVE project forward. Formed by the Help America Vote Act to serve as the clearinghouse for matters relating to elections and the voting process, the EAC is certainly the body best suited for this task. Specifically, it is responsible for establishing guidelines and helping the Secretary of Defense in carrying out the project.

Historically, it is our military that has led the way for our country. Not only in times of trouble, but it has also led the way in technological advances. The military has the opportunity to lead the way again in technology, but this time, in the voting booth. It deserves the opportunity to participate in this landmark electronic voting program.

I encourage the Secretary of Defense to provide the EAC with the additional funding

needed to carry out this directive. I also encourage the National Institute of Standards and Technology (NIST) to continue working with the EAC on electronic absentee voting by absent uniformed service and overseas voters casting ballots abroad and others areas where they may have expertise.

The second provision will expand the use of the federal write-in absentee ballot to absent uniformed service voters that have not received voting materials from their state within the deadline prescribed by their state. This will give the absent uniformed service voter the opportunity to participate in the democratic process that they are defending.

Mr. Speaker, I support the inclusion of these provisions in the Conference Report.

Mr. ISRAEL. Mr. Speaker, I rise today in strong support of H.R. 4200, the FY 2005 Department of Defense Authorization Conference Report. I commend our Chairman and Ranking Member and all of the conferees for their leadership and hard work.

This is an important bill for troubling times. As I have said often, thank God we live in a nation, which gives us the right to agree with a decision to go to war, the right to disagree with that decision, even the right to remain silent. But no one has any right at all to forget the courageous men and women who answered the call when summoned, who sacrificed by serving.

What is our obligation to them, Mr. Speaker? It is to make them a priority in our hearts as well as our budgets.

We also have an obligation to give them all the tools and resources they need. Not just hardware, but software. Not just situational awareness that tells them where an enemy is and what the enemy's firepower is, but the cultural awareness that tells our troops who the enemy is and what its will power is.

That is why I am especially proud that the conference report included two amendments that I offered.

While the brilliant speed with which our forces toppled the Taliban and the regime of Saddam Hussein demonstrates the unrivaled technological and professional superiority of our military, the current situation on the ground would seem to suggest that we haven't given enough attention to the "full spectrum" of operations that they will face.

My amendment will look at how U.S. military's education and training program is preparing soldiers to meet the challenges of an era when our enemy is just as likely to be a tribal warload as a trained infantryman and how we deal with the battlefield after the battle.

A second amendment, Mr. Speaker, formally recognizes the courageous actions of Army Specialist Joseph Darby, who was brave enough to notify his superiors about the abuses at Abu Grayb when no one else was. He is a true American hero.

These are truly dangerous times. We are involved in a struggle that we cannot lose. On behalf of our men and women in uniform and all they are doing to keep America safe, I strongly support passage of this conference report.

Mr. CASTLE. Mr. Speaker, I rise today in support of H.R. 4200, the "National Defense Authorization Act of 2005." I am pleased that Congress was able to complete work on this important bill prior to recess. As an outside Conferee to H.R. 4200, I am particularly supportive of the education provisions in the bill before us today.

There are a number of provisions in H.R. 4200 that will help local schools better serve students in military families. For example, we ensure that school districts can continue to count federally-connected students who reside on the military base as on-base students for the purposes of calculating Impact Aid payments in cases when federally-connected students temporarily move off-base to live with a relative or family friend and when both of their military parents are deployed for active duty. The provision will also ensure that school districts continue to count federally-connected students who reside on-base as on-base students for the purpose of calculating Impact Aid payments for six months after the death of a military parent.

In addition, we have increased the amount of aid local schools will receive that are impacted by the presence of military installations, as well to increase funding to help school districts provide special education services to certain dependent children with severe disabilities.

Finally, with respect to the education provisions, we were able to establish the National Security Education Program to provide resources for scholarships, fellowships, and institutional grants in higher education. The program's mission is to lead in the development of the national capacity to educate U.S. citizens, understand foreign cultures, strengthen U.S. economic competitiveness, and enhance international cooperation and security. In our ever growing world economy, I believe these provisions are imperative to ensure that U.S. citizens have a solid understanding of other nations.

Mr. Speaker, Congress recognizes the sacrifices and contributions our courageous soldiers have made in the war against terrorism. Hopefully, the "National Defense Authorization Act of 2005" will go far in supporting our military efforts and protecting the freedoms that we all enjoy.

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

The SPEAKER pro tempore (Mr. SIMPSON). 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. HUNTER. 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 question will be postponed.

## GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on H.R. 4200.

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

There was no objection.

## DIRECTING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HUNTER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 514) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 4200, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 514

*Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, the Clerk of the House of Representatives shall make the following correction: in section 714(b), strike "Section 1974g(a)(2)(E)(i)" and insert "Section 1074g(a)(2)(E)(i)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 832 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 832

*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 8, 2004, providing for consideration of disposition of a conference report to 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.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. 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, last night the Committee on Rules met and passed this

resolution, 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 waiver authorized by this resolution applies to any special rule reported on the legislative day of Friday, October 8, 2004, providing for the consideration or disposition of a conference report to 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.

Mr. Speaker, I would advise my colleagues that adoption of this resolution is made necessary because the work of the conferees has taken longer than anticipated. To that end, I urge my colleagues to support the rule.

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

Mr. FROST. I thank the gentlewoman from North Carolina for yielding me time, and I yield myself such time as may consume.

Mr. Speaker, in our rush to finish our legislative work in Washington and return to our districts before the election, I fear we are jumping the gun by taking up this rule. While I realize that time is running short and that the House is likely to adjourn today or tomorrow, it is premature for the House to consider a martial law rule for a bill that has not even been completed. Why we are passing a rule to expedite passage of a bill for which we do not even have the final language, I cannot understand.

I am fully aware of the importance of sending as many of the 13 appropriations bills as possible to the President before we adjourn. But it is only reasonable to wait to bring up a martial law rule to expedite the consideration of a conference report, that may or may not be ready today, until we actually have that conference report filed and in hand.

However, given the magnitude and importance of this appropriation for military construction funding, I am not going to oppose this rule. I simply think that it would serve regular order to bring it up when we actually have a final conference report to read.

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

Mrs. MYRICK. Mr. Speaker, I yield back the 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.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2242

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 42 minutes p.m.

## AUTHORIZING ILLUMINATION OF GATEWAY ARCH IN HONOR OF BREAST CANCER AWARENESS MONTH

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2895) to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2895

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

**SECTION 1. ILLUMINATION OF GATEWAY ARCH IN HONOR OF BREAST CANCER AWARENESS MONTH.**

In honor of breast cancer awareness month, the Secretary of the Interior shall authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights for a certain period of time in October, to be designated by the Secretary of the Interior.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## FORT DONELSON NATIONAL BATTLEFIELD EXPANSION ACT OF 2004

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 524) to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill as follows:

S. 524

*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 ''Fort Donelson National Battlefield Expansion Act of 2004''.

**SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

(a) DESIGNATION; PURPOSE.—There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—

(1) the Battle of Fort Donelson in February 1862; and

(2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

(b) BOUNDARIES.—The boundary of the Fort Donelson National Battlefield is revised to include the site of Fort Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled ''Fort Donelson National Battlefield Boundary Adjustment'' numbered 328/80024, and dated September 2003. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) EXPANSION OF BOUNDARIES.—The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 3.

**SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON NATIONAL BATTLEFIELD.**

(a) ACQUISITION AUTHORITY.—Subject to subsections (b) and (c), the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.

(b) LAND ELIGIBLE FOR ACQUISITION.—The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a)—

(1) within the boundaries of the Fort Donelson National Battlefield described in section 2(b); and

(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

(c) BOUNDARY REVISION.—Upon acquisition of land or interests in land described in subsection (b)(2), the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.

(d) LIMITATION ON TOTAL ACREAGE OF PARK.—The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.

**SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL BATTLEFIELD.**

The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).

**SEC. 5. RELATION TO LAND BETWEEN THE LAKES NATIONAL RECREATION AREA.**

The Secretary of Agriculture and the Secretary of the Interior shall enter into a

memorandum of understanding to facilitate cooperatively protecting and interpreting the remaining vestige of Fort Henry and other remaining Civil War resources in the Land Between the Lakes National Recreation Area affiliated with the Fort Donelson campaign.

**SEC. 6. CONFORMING AMENDMENT.**

The first section of Public Law 86–738 (16 U.S.C. 428k) is amended by striking ''Tennessee'' and all that follows through the period at the end and inserting ''Tennessee.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## STATE JUSTICE INSTITUTE REAUTHORIZATION ACT OF 2004

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2714) to reauthorize the State Justice Institute, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 3, after line 5, insert:

**SEC. 4. LAW ENFORCEMENT ARMOR VESTS.**

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23) is amended by striking ''2004'' and inserting ''2007''.

Mr. LoBIONDO. Mr. Speaker, I rise today in support of the Bulletproof Vest Partnership Grant Act included in the State Justice Institute Reauthorization Act of 2004. This legislation reauthorizes the Grant program until 2007. The current authorization expired on September 30, 2004. Congress has overwhelmingly approved this program twice, both in the 105th Congress and the 106th Congress. The Bulletproof Vest Partnership Grant program has directly benefited every U.S. state and territory.

A bulletproof vest is one of the most important pieces of equipment an officer can have. Many times the vest can mean the difference between life and death. Every day, law enforcement officers are confronted by violent criminals armed with deadly weapons. While many officers wear vests to protect themselves, an alarming number of officers across the United States are not afforded this same protection because of local budget constraints. The Bulletproof Vest Partnership Grant program has helped state and local law enforcement to purchase vests. These funds have saved countless lives across the nation.

We must protect those who risk their lives every day protecting our communities. This program has provided more than 1 million of these life saving vests since its inception. In 2004 alone, the Bulletproof Vest Partnership Grant program provided $25 million to state and local law enforcement agencies across America. In turn, this funding helped provide more than 175,000 new bulletproof vests giving vital protection to thousands of law enforcement officer nationwide.

Due to the success of this program, grant applications have steadily increased annually since the program's enactment, yet many municipalities are denied grants due to a lack of funding for the program. This reauthorization will provide an additional three years to work toward full funding for this program, enabling more law enforcement officers to have access to these lifesaving vests.

Please join me as we work together to save more lives, and give our law enforcement officers the necessary tools they need to help them keep our communities safe.

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

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CANNON. 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 H.R. 2714.

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

There was no objection.

□ 2245

## PREVENTION OF CHILD ABDUCTION PARTNERSHIP ACT

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2883) to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of the United States Central Authority under that Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2883

*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 ''Prevention of Child Abduction Partnership Act''.

**SEC. 2. LIMITATION ON LIABILITY.**

Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606) is amended by adding at the end the following new subsection:

''(f) LIMITED LIABILITY OF PRIVATE ENTITIES ACTING UNDER THE DIRECTION OF THE UNITED STATES CENTRAL AUTHORITY.—

''(1) LIMITATION ON LIABILITY.—Except as provided in paragraphs (2) and (3), a private entity or organization that receives a grant from or enters into a contract or agreement with the United States Central Authority under subsection (e) of this section for purposes of assisting the United States Central Authority in carrying out its responsibilities and functions under the Convention and this Act, including any director, officer, employee, or agent of such entity or organization, shall not be liable in any civil action sounding in tort for damages directly related to the performance of such responsibilities and functions as defined by the regulations issued under subsection (c) of this section that are in effect on October 1, 2004.

''(2) EXCEPTION FOR INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—The limitation on liability under paragraph (1) shall not apply in any action in which the plaintiff proves that the private entity, organization, officer, employee, or agent described in paragraph (1), as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this Act.

''(3) EXCEPTION FOR ORDINARY BUSINESS ACTIVITIES.—The limitation on liability under paragraph (1) shall not apply to any alleged act or omission related to an ordinary business activity, such as an activity involving general administration or operations, the use of motor vehicles, or personnel management.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HYDE. Mr. Speaker, I rise today in support of S. 2883, the Prevention of Child Abduction Partnership Act.

The Hague Convention on the Civil Aspects of International Child Abduction is the diplomatic tool which creates a civil cause of action for the return of an abducted child to his or her habitual residence. Under this international treaty, the U.S. Department of State is the central authority responsible for discharging the duties as outlined by the Convention. For the past 9 years, pursuant to a cooperative agreement between the National Center for Missing and Exploited Children, NCMEC, and the Departments of State and Justice, NCMEC has played a vital role by assisting the Department of State in performing certain obligations under the Convention, thereby helping the United States fulfill its international treaty obligations under the Convention.

In sum, NCMEC helps parents seeking the return of or access to a child in the United States to process an application under the Convention and to pursue remedies as provided by statute. Secretary of State Colin Powell has written to NCMEC that

its expertise and national networks make NCMEC uniquely effective in helping us give force to the Hague Abduction Convention in the United States. NCMEC's credibility and the success of our work together also give us a decided advantage when we press other governments for changes of practice, policy, legislation, and resource allocation to deter international parental child abduction and send abducted children home to the United States.

In May, I introduced H.R. 4347, the International Assistance for Missing and Exploited Children Act of 2004. Among many other important issues, this legislation provides a mechanism for granting NCMEC employees, who are working on Hague Convention cases under the direction of the State Department, the same limited immunity enjoyed by those employed by the Department of State. This legislation is currently being negotiated with the administration and other congressional committees, and I intend to reintroduce it again in the 109th session of Congress. As a product of this negotiation, an agreement has been reached on language which would provide NCMEC with the limited immunity necessary to be able to continue performing its

obligations under the Hague Convention, which is the substance in S. 2883.

This measure has the support of the relevant House and Senate Committees and the Departments of State and Justice. If this measure is not enacted into law, NCMEC may not be able to continue its operations on behalf of the Federal Government since its resources would be lost in the defense of frivolous lawsuits. Left-behind parents would suffer the prolonged loss of their children, and our Nation potentially would lose its advantage in pressing other nations to return abducted children.

I wish to extend my personal gratitude to the National Center for Missing and Exploited Children for its critical work on reuniting families, to Chairman JIM SENSENBRENNER of the House Judiciary Committee, and to Senators HATCH and LEAHY of the Senate Judiciary Committee and to Senators LUGAR and BIDEN of the Senate Foreign Relations Committee, for working tirelessly to implement this measure.

## GENERAL LEAVE

Mr. CANNON. 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 S. 2883.

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

There was no objection.

## ANABOLIC STEROID CONTROL ACT OF 2004

Mr. CANNON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2195) to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2195

*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 ''Anabolic Steroid Control Act of 2004''.

**SEC. 2. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.**

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40); and

(B) by striking subparagraph (A) and inserting the following:

''(A) The term 'anabolic steroid' means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

''(i) androstanediol—

''(I) 3β,17β-dihydroxy-5α-androstane; and

''(II) 3α,17β-dihydroxy-5α-androstane;

''(ii) androstanedione (5α-androstan-3,17-dione);

''(iii) androstenediol—

''(I) 1-androstenediol (3β,17β-dihydroxy-5α-androst-1-ene);

''(II) 1-androstenediol (3α,17β-dihydroxy-5α-androst-1-ene);

''(III) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene); and

''(IV) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

''(iv) androstenedione—

''(I) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

''(II) 4-androstenedione (androst-4-en-3,17-dione); and

''(III) 5-androstenedione (androst-5-en-3,17-dione);

''(v) bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(vi) boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

''(vii) calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

''(viii) clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

''(ix) dehydrochloromethyltestosterone (4-chloro-17β-hydroxy-17α-methyl-androst-1,4-dien-3-one);

''(x) Δ1-dihydrotestosterone (a.k.a. '1-testosterone') (17β-hydroxy-5α-androst-1-en-3-one);

''(xi) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

''(xii) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

''(xiii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

''(xiv) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

''(xv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

''(xvi) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

''(xvii) 13β-ethyl-17α-hydroxygon-4-en-3-one;

''(xviii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

''(xix) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

''(xx) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

''(xxi) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

''(xxii) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

''(xxiii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

''(xxiv) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

''(xxv) 17α-methyl-3β, 17β-dihydroxy-5α-androstane;

''(xxvi) 17α-methyl-3α,17β-dihydroxy-5α-androstane;

''(xxvii) 17α-methyl-3β,17β-dihydroxy-androst-4-ene.

''(xxviii) 17α-methyl-4-hydroxynandrolone (17α-methyl-4-hydroxy-17β-hydroxyestr-4-en-3-one);

''(xxix) methyldienolone (17α-methyl-17β-hydroxyestra-4,9(10)-dien-3-one);

''(xxx) methyltrienolone (17α-methyl-17β-hydroxyestra-4,9-11-trien-3-one);

''(xxxi) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

''(xxxii) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

''(xxxiii) 17α-methyl-Δ1-dihydrotestosterone (17β-hydroxy-17α-methyl-5α-androst-1-en-3-one) (a.k.a. '17-α-methyl-1-testosterone');

''(xxxiv) nandrolone (17β-hydroxyestr-4-en-3-one);

''(xxxv) norandrostenediol—

''(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

''(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

''(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

''(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

''(xxxvi) norandrostenedione—

''(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

''(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione;

''(xxxvii) norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

''(xxxviii) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

''(xxxix) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

''(xl) normethandrolone (17α-methyl-17β-hydroxyestr-4-en-3-one);

''(xli) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

''(xlii) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

''(xliii) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

''(xliv) stanozolol (17α-methyl-17α-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

''(xlv) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

''(xlvi) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

''(xlvii) testosterone (17β-hydroxyandrost-4-en-3-one);

''(xlviii) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

''(xlix) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

''(xlx) any salt, ester, or ether of a drug or substance described in this paragraph.

The substances excluded under this subparagraph may at any time be scheduled by the Attorney General in accordance with the authority and requirements of subsections (a) through (c) of section 201.''; and

(2) in paragraph (44), by inserting ''anabolic steroids,'' after ''marihuana,''.

(b) AUTHORITY AND CRITERIA FOR CLASSIFICATION.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking ''substance from a schedule if such substance'' and inserting ''drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug''; and

(2) in paragraph (3), by adding at the end the following:

''(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.''.

(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101–647) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

**SEC. 3. SENTENCING COMMISSION GUIDELINES.**

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid trafficking and use; and

(3) take such other action that the Commission considers necessary to carry out this section.

**SEC. 4. PREVENTION AND EDUCATION PROGRAMS.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall award grants to public and nonprofit private entities to enable such entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids.

(b) ELIGIBILITY.—

(1) APPLICATION.—To be eligible for grants under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that intend to use grant funds to carry out programs based on—

(A) the Athletes Training and Learning to Avoid Steroids program;

(B) The Athletes Targeting Healthy Exercise and Nutrition Alternatives program; and

(C) other programs determined to be effective by the National Institute on Drug Abuse.

(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used for education programs that will directly communicate with teachers, principals, coaches, as well as elementary and secondary school children concerning the harmful effects of anabolic steroids.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2005 through 2010.

**SEC. 5. NATIONAL SURVEY ON DRUG USE AND HEALTH.**

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the National Survey on Drug Use and Health includes questions concerning the use of anabolic steroids.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000 for each of fiscal years 2005 through 2010.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CANNON. 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 S. 2195.

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

There was no objection.

## FEDERAL REGULATORY IMPROVEMENT ACT OF 2004

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 4917) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4917

*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 ''Federal Regulatory Improvement Act of 2004''.

**SEC. 2. PURPOSES.**

(a) PURPOSES.—Section 591 of title 5, United States Code, is amended to read as follows:

**''§ 591 Purposes**

''The purposes of this subchapter are—

''(1) to provide suitable arrangements through which Federal agencies, assisted by outside experts, may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest;

''(2) to promote more effective public participation and efficiency in the rulemaking process;

''(3) to reduce unnecessary litigation in the regulatory process;

''(4) to improve the use of science in the regulatory process; and

''(5) to improve the effectiveness of laws applicable to the regulatory process.''.

(b) CONFORMING AMENDMENTS.—Title 5 of the United States Code is amended—

(1) in section 594 by striking ''purpose'' and inserting ''purposes''; and

(2) in the table of sections of chapter 5 of part I by amending the item relating to section 591 to read as follows:

''591. Purposes''.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

Section 596 of title 5, United States Code, is amended to read as follows:

**''§ 596. Authorization of appropriations**

''There are authorized to be appropriated to carry out this subchapter not more than $3,000,000 for fiscal year 2005, $3,100,000 for fiscal year 2006, and $3,200,000 for fiscal year 2007. Of any amounts appropriated under this section, not more than $2,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries.''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CANNON. 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 H.R. 4917.

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

There was no objection.

## FAMILY FARMER BANKRUPTCY RELIEF ACT OF 2004

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 2864) to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2864

*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 ''Family Farmer Bankruptcy Relief Act of 2004''.

**SEC. 2. EIGHTEEN-MONTH EXTENSION OF PERIOD FOR WHICH CHAPTER 12 OF TITLE 11, UNITED STATES CODE, IS REENACTED.**

(a) AMENDMENTS.—Section 149 of title I of division C of Public Law 105–277 (11 U.S.C. 1201 note) is amended—

(1) by striking ''January 1, 2004'' each place that term appears and inserting ''July 1, 2005''; and

(2) in subsection (a)—

(A) by striking ''June 30, 2003'' and inserting ''December 31, 2003''; and

(B) by striking ''July 1, 2003'' and inserting ''January 1, 2004''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) are deemed to have taken effect on January 1, 2004.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CANNON. 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 S. 2864.

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

There was no objection.

## ASSISTIVE TECHNOLOGY ACT OF 2004

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4278) to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes, with a

Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Assistive Technology Act of 2004''.*

***SEC. 2. AMENDMENT TO THE ASSISTIVE TECHNOLOGY ACT OF 1998.***

*The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:*

***''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*''(a) SHORT TITLE.—This Act may be cited as the 'Assistive Technology Act of 1998'.*

*''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*


''Sec. 1. Short title; table of contents.
''Sec. 2. Findings and purposes.
''Sec. 3. Definitions.
''Sec. 4. State grants for assistive technology.
''Sec. 5. State grants for protection and advocacy services related to assistive technology.
''Sec. 6. National activities.
''Sec. 7. Administrative provisions.
''Sec. 8. Authorization of appropriations.


***''SEC. 2. FINDINGS AND PURPOSES.***

*''(a) FINDINGS.—Congress finds the following:*

*''(1) Over 54,000,000 individuals in the United States have disabilities, with almost half experiencing severe disabilities that affect their ability to see, hear, communicate, reason, walk, or perform other basic life functions.*

*''(2) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—*

*''(A) live independently;*

*''(B) enjoy self-determination and make choices;*

*''(C) benefit from an education;*

*''(D) pursue meaningful careers; and*

*''(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.*

*''(3) Technology is one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.*

*''(4) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology will have profound implications for individuals with disabilities in the United States.*

*''(5) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living that significantly benefit individuals with disabilities of all ages. These devices, including adaptations, increase involvement in, and reduce expenditures associated with, programs and activities that facilitate communication, ensure independent functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living for individuals with disabilities. Access to such devices can also reduce expenditures associated with early childhood intervention, education, rehabilitation and training, health care, employment, residential living, independent living, recreation opportunities, and other aspects of daily living.*

*''(6) Over the last 15 years, the Federal Government has invested in the development of comprehensive statewide programs of technology-related assistance, which have proven effective in assisting individuals with disabilities in accessing assistive technology devices and assistive technology services. This partnership between the Federal Government and the States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages meet their assistive technology needs.*

*''(7) Despite the success of the Federal-State partnership in providing access to assistive technology devices and assistive technology services, there is a continued need to provide information about the availability of assistive technology, advances in improving accessibility and functionality of assistive technology, and appropriate methods to secure and utilize assistive technology in order to maximize the independence and participation of individuals with disabilities in society.*

*''(8) The combination of significant recent changes in Federal policy (including changes to section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), accessibility provisions of the Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), and the amendments made to the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) by the No Child Left Behind Act of 2001) and the rapid and unending evolution of technology require a Federal-State investment in State assistive technology systems to continue to ensure that individuals with disabilities reap the benefits of the technological revolution and participate fully in life in their communities.*

*''(b) PURPOSES.—The purposes of this Act are—*

*''(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—*

*''(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;*

*''(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);*

*''(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;*

*''(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;*

*''(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;*

*''(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and*

*''(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population; and*

*''(2) to provide States with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.*

***''SEC. 3. DEFINITIONS.***

*''In this Act:*

*''(1) ADULT SERVICE PROGRAM.—The term 'adult service program' means a program that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—*

*''(A) a program providing residential, supportive, or employment services, or employment-related services, to individuals with disabilities;*

*''(B) a program carried out by a center for independent living, such as a center described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);*

*''(C) a program carried out by an employment support agency connected to adult vocational rehabilitation, such as a one-stop partner, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801); and*

*''(D) a program carried out by another organization or vender licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).*

*''(2) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' means an entity that is an American Indian Consortium (as defined in section 102 of Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act (42 U.S.C. 15041 et seq.).*

*''(3) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.*

*''(4) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.*

*''(5) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—*

*''(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;*

*''(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;*

*''(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;*

*''(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;*

*''(E) training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;*

*''(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and*

*training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and*

*''(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.*

*''(6) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term 'capacity building and advocacy activities' means efforts that—*

*''(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and*

*''(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.*

*''(7) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.*

*''(8) CONSUMER-RESPONSIVE.—The term 'consumer-responsive'—*

*''(A) with regard to policies, means that the policies are consistent with the principles of—*

*''(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;*

*''(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;*

*''(iii) inclusion, integration, and full participation of such individuals in society;*

*''(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and*

*''(v) support for individual and systems advocacy and community involvement; and*

*''(B) with respect to an entity, program, or activity, means that the entity, program, or activity—*

*''(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;*

*''(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and*

*''(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—*

*''(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and*

*''(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.*

*''(9) DISABILITY.—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.*

*''(10) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—*

*''(A) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual of any age, race, or ethnicity—*

*''(i) who has a disability; and*

*''(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.*

*''(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.*

*''(11) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.).*

*''(12) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—*

*''(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and*

*''(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.*

*''(13) SECRETARY.—The term 'Secretary' means the Secretary of Education.*

*''(14) STATE.—*

*''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

*''(B) OUTLYING AREAS.—In section 4(b):*

*''(i) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

*''(ii) STATE.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.*

*''(15) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term 'State assistive technology program' means a program authorized under section 4.*

*''(16) TARGETED INDIVIDUALS AND ENTITIES.—The term 'targeted individuals and entities' means—*

*''(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;*

*''(B) underrepresented populations, including the aging workforce;*

*''(C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact, or provide services to, with individuals with disabilities;*

*''(D) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;*

*''(E) technology experts (including web designers and procurement officials);*

*''(F) health, allied health, and rehabilitation professionals and hospital employees (including discharge planners);*

*''(G) employers, especially small business employers, and providers of employment and training services;*

*''(H) entities that manufacture or sell assistive technology devices;*

*''(I) entities that carry out community programs designed to develop essential community services in rural and urban areas; and*

*''(J) other appropriate individuals and entities, as determined for a State by the State.*

*''(17) TECHNOLOGY-RELATED ASSISTANCE.—The term 'technology-related assistance' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in section 2(b).*

*''(18) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited English proficiency, older individuals, or persons from rural areas.*

*''(19) UNIVERSAL DESIGN.—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.*

***"SEC. 4. STATE GRANTS FOR ASSISTIVE TECHNOLOGY.***

*''(a) GRANTS TO STATES.—The Secretary shall award grants under subsection (b) to States to maintain comprehensive statewide programs of technology-related assistance to support programs that are designed to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology, and that are designed to increase access to assistive technology.*

*''(b) AMOUNT OF FINANCIAL ASSISTANCE.—*

*''(1) IN GENERAL.—From funds made available to carry out this section, the Secretary shall award a grant to each eligible State and eligible outlying area from an allotment determined in accordance with paragraph (2).*

*''(2) CALCULATION OF STATE GRANTS.—*

*''(A) BASE YEAR.—Except as provided in subparagraphs (B) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under section 101 of this Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) for fiscal year 2004.*

*''(B) RATABLE REDUCTION.—*

*''(i) IN GENERAL.—If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments for such fiscal year.*

*''(ii) ADDITIONAL FUNDS.—If, after the Secretary makes the reductions described in clause (i), additional funds become available to carry out this section for the fiscal year, the Secretary shall ratably increase the allotments, until the Secretary has allotted the entire base year amount.*

*''(C) HIGHER APPROPRIATION YEARS.—Except as provided in subparagraph (D), for a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount, the Secretary shall—*

*''(i) make the allotments described in subparagraph (A);*

*''(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—*

*''(I) from 50 percent of the portion, allot to each State or outlying area an equal amount; and*

*''(II) from 50 percent of the portion, allot to each State or outlying area an amount that bears the same relationship to such 50 percent as the population of the State or outlying area bears to the population of all States and outlying areas,*

*until each State has received an allotment of not less than $410,000 and each outlying area*

*has received an allotment of $125,000 under clause (i) and this clause;*

*''(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall—*

*''(I) from 80 percent of the remainder allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and*

*''(II) from 20 percent of the remainder, allot to each State an equal amount.*

*''(D) SPECIAL RULE FOR FISCAL YEAR 2005.—Notwithstanding subparagraph (C), if the amount of funds made available to carry out this section for fiscal year 2005 is greater than the base year amount, the Secretary may award grants on a competitive basis for periods of 1 year to States or outlying areas in accordance with the requirements of title III of this Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) to develop, support, expand, or administer an alternative financing program.*

*''(E) BASE YEAR AMOUNT.—In this paragraph, the term 'base year amount' means the total amount received by all States and outlying areas under the grants described in subparagraph (A) for fiscal year 2004.*

*''(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—*

*''(1) LEAD AGENCY AND IMPLEMENTING ENTITY.—*

*''(A) LEAD AGENCY.—*

*''(i) IN GENERAL.—The Governor of a State shall designate a public agency as a lead agency—*

*''(I) to control and administer the funds made available through the grant awarded to the State under this section; and*

*''(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting requirements.*

*''(ii) DUTIES.—The duties of the lead agency shall include—*

*''(I) preparing the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;*

*''(II) coordinating the activities of the comprehensive statewide program of technology-related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements, and maintaining and evaluating the program; and*

*''(III) coordinating efforts related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out through the grant.*

*''(B) IMPLEMENTING ENTITY.—The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the 'implementing entity'), if such implementing entity is different from the lead agency. The implementing agency shall carry out responsibilities under this Act through a subcontract or another administrative agreement with the lead agency.*

*''(C) CHANGE IN AGENCY OR ENTITY.—*

*''(i) IN GENERAL.—On obtaining the approval of the Secretary, the Governor may redesignate the lead agency, or the implementing entity, if the Governor shows to the Secretary good cause why the entity designated as the lead agency, or the implementing entity, respectively, should not serve as that agency or entity, respectively. The Governor shall make the showing in the application described in subsection (d).*

*''(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency other than the lead agency or implementing entity of such State as of the date of enactment of the Assistive Technology Act of 2004.*

*''(2) ADVISORY COUNCIL.—*

*''(A) IN GENERAL.—There shall be established an advisory council to provide consumer-responsive, consumer-driven advice to the State for, planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3).*

*''(B) COMPOSITION AND REPRESENTATION.—*

*''(i) COMPOSITION.—The advisory council shall be composed of—*

*''(I) individuals with disabilities that use assistive technology or the family members or guardians of the individuals;*

*''(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate;*

*''(III) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);*

*''(IV) a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821);*

*''(V) a representative of the State educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); and*

*''(VI) representatives of other State agencies, public agencies, or private organizations, as determined by the State.*

*''(ii) MAJORITY.—*

*''(I) IN GENERAL.—A majority, not less than 51 percent, of the members of the advisory council, shall be members appointed under clause (i)(I).*

*''(II) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (II) through (VI) of clause (i) shall not count toward the majority membership requirement established in subclause (I).*

*''(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.*

*''(C) EXPENSES.—The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.*

*''(D) PERIOD.—The members of the State advisory council shall be appointed not later than 120 days after the date of enactment of the Assistive Technology Act of 2004.*

*''(E) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies who carry out State assistive technology programs.*

*''(d) APPLICATION.—*

*''(1) IN GENERAL.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.*

*''(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—The application shall contain information identifying and describing the lead agency referred to in subsection (c)(1)(A). The application shall contain information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity.*

*''(3) MEASURABLE GOALS.—The application shall include—*

*''(A) measurable goals, and a timeline for meeting the goals, that the State has set for addressing the assistive technology needs of individuals with disabilities in the State related to—*

*''(i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);*

*''(ii) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);*

*''(iii) telecommunication and information technology; and*

*''(iv) community living; and*

*''(B) information describing how the State will quantifiably measure the goals to determine whether the goals have been achieved.*

*''(4) INVOLVEMENT OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including—*

*''(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and*

*''(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.*

*''(5) IMPLEMENTATION.—The application shall include a description of—*

*''(A) how the State will implement each of the required activities described in subsection (e), except as provided in subsection (e)(6)(A); and*

*''(B) how the State will allocate and utilize grant funds to implement the activities, including describing proposed budget allocations and planned procedures for tracking expenditures for activities described in paragraphs (2) and (3) of subsection (e).*

*''(6) ASSURANCES.—The application shall include assurances that—*

*''(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);*

*''(B) funds received through the grant—*

*''(i) will be expended in accordance with this section; and*

*''(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;*

*''(C) the lead agency will control and administer the funds received through the grant;*

*''(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant;*

*''(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;*

*''(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and administers that property;*

*''(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (20 U.S.C. 794d); and*

*''(H) the State will—*

*''(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this Act; and*

''(ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

''(7) STATE SUPPORT.—The application shall include a description of the activities described in paragraphs (2) and (3) of subsection (e) that the State will support with State funds.

''(e) USE OF FUNDS.—

''(1) IN GENERAL.—

''(A) REQUIRED ACTIVITIES.—Except as provided in subparagraph (B) and paragraph (6), any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out activities described in paragraphs (2) and (3).

''(B) STATE OR NON-FEDERAL FINANCIAL SUPPORT.—A State shall not be required to use a portion of the funds made available through the grant to carry out the category of activities described in subparagraph (A), (B), (C), or (D) of paragraph (2) if, in that State—

''(i) financial support is provided from State or other non-Federal resources or entities for that category of activities; and

''(ii) the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for that category of activities, in the absence of this subparagraph.

''(2) STATE-LEVEL ACTIVITIES.—

''(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and entities described in section 3(16)(A), including—

''(i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services; or

''(ii) support for the development of State-financed or privately financed alternative financing systems of subsidies (which may include conducting an initial 1-year feasibility study of, improving, administering, operating, providing capital for, or collaborating with an entity with respect to, such a system) for the provision of assistive technology devices, such as—

''(I) a low-interest loan fund;

''(II) an interest buy-down program;

''(III) a revolving loan fund;

''(IV) a loan guarantee or insurance program;

''(V) a program providing for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

''(VI) another mechanism that is approved by the Secretary.

''(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

''(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of targeted individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

''(D) DEVICE DEMONSTRATIONS.—

''(i) IN GENERAL.—The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801), demonstrate a variety of assistive technology devices and assistive technology services (including assisting individuals in making informed choices regarding, and providing experiences with, the devices and services), using personnel who are familiar with such devices and services and their applications.

''(ii) COMPREHENSIVE INFORMATION.—The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology venders, providers, and repair services.

''(3) STATE LEADERSHIP ACTIVITIES.—

''(A) IN GENERAL.—A State that receives a grant under this section shall use a portion of not more than 40 percent of the funds made available through the grant to carry out the activities described in subparagraph (B). From that portion, the State shall use at least 5 percent of the portion for activities described in subparagraph (B)(i)(III).

''(B) REQUIRED ACTIVITIES.—

''(i) TRAINING AND TECHNICAL ASSISTANCE.—

''(I) IN GENERAL.—The State shall directly, or provide support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities, to develop and disseminate training materials, conduct training, and provide technical assistance, for individuals from local settings statewide, including representatives of State and local educational agencies, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

''(II) AUTHORIZED ACTIVITIES.—In carrying out activities under subclause (I), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in subclause (I), which may include—

''(aa) general awareness training on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals and entities in acquiring assistive technology;

''(bb) skills-development training in assessing the need for assistive technology devices and assistive technology services;

''(cc) training to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible technology for e-government functions;

''(dd) training in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities; and

''(ee) technical training on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

''(III) TRANSITION ASSISTANCE TO INDIVIDUALS WITH DISABILITIES.—The State shall directly, or provide support to public or private entities to, develop and disseminate training materials, conduct training, facilitate access to assistive technology, and provide technical assistance, to assist—

''(aa) students with disabilities, within the meaning of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that receive transition services; and

''(bb) adults who are individuals with disabilities maintaining or transitioning to community living.

''(ii) PUBLIC-AWARENESS ACTIVITIES.—

''(I) IN GENERAL.—The State shall conduct public-awareness activities designed to provide information to targeted individuals and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

''(aa) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce investment systems established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), State vocational rehabilitation centers, public and private employers, or elementary and secondary public schools;

''(bb) the development and dissemination, to targeted individuals and entities, of information about State efforts related to assistive technology; and

''(cc) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

''(II) COLLABORATION.—The State shall collaborate with entities that receive awards under paragraphs (1) and (3) of section 6(b) to carry out public-awareness activities focusing on infants, toddlers, children, transition-age youth, employment-age adults, seniors, and employers.

''(III) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

''(aa) IN GENERAL.—The State shall directly, or in collaboration with public or private (such as nonprofit) entities, provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

''(bb) CONTENT.—The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living.

''(iii) COORDINATION AND COLLABORATION.—The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and others to improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State.

''(4) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

''(5) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

''(6) STATE FLEXIBILITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

''(B) SPECIAL RULE.—Notwithstanding paragraph (3)(A), any State that exercises its authority under subparagraph (A)—

''(i) shall carry out each of the required activities described in paragraph (3)(B); and

''(ii) shall use not more than 30 percent of the funds made available through the grant to carry out the activities described in paragraph (3)(B).

''(f) ANNUAL PROGRESS REPORTS.—

''(1) DATA COLLECTION.—States shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

''(2) REPORTS.—

''(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report on the activities funded under this Act, at such time, and in such manner, as the Secretary may require.

''(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

''(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

''(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (who shall be classified by type of assistive technology device or assistive technology service financed through the State financing activities, and geographic distribution within the State), including—

''(I) the number of applications for assistance received;

''(II) the number of applications approved and rejected;

''(III) the default rate for the financing activities;

''(IV) the range and average interest rate for the financing activities;

''(V) the range and average income of approved applicants for the financing activities; and

''(VI) the types and dollar amounts of assistive technology financed;

''(iii) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations through the device loan program described in subsection (e)(2)(C), and an analysis of the individuals with disabilities who have benefited from the device loan program;

''(iv) the number, type, estimated value, and scope of assistive technology devices exchanged, repaired, recycled, or reutilized (including redistributed through device sales, loans, rentals, or donations) through the device reutilization program described in subsection (e)(2)(B), and an analysis of the individuals with disabilities that have benefited from the device reutilization program;

''(v) the number and type of device demonstrations and referrals provided under subsection (e)(2)(D), and an analysis of individuals with disabilities who have benefited from the demonstrations and referrals;

''(vi)(I) the number and general characteristics of individuals who participated in training under subsection (e)(3)(B)(i) (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors) and the topics of such training; and

''(II) to the extent practicable, the geographic distribution of individuals who participated in the training;

''(vii) the frequency of provision and nature of technical assistance provided to State and local agencies and other entities;

''(viii) the number of individuals assisted through the public-awareness activities and statewide information and referral system described in subsection (e)(3)(B)(ii);

''(ix) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, and assistive technology services, in the contexts of education, health care, employment, community living, and information technology and telecommunications, including e-government;

''(x) the source of leveraged funding or other contributed resources, including resources provided through subcontracts or other collaborative resource-sharing agreements, from and with public and private entities to carry out State activities described in subsection (e)(3)(B)(iii), the number of individuals served with the contributed resources for which information is not reported under clauses (i) through (ix) or clause (xi) or (xii), and other outcomes accomplished as a result of such activities carried out with the contributed resources; and

''(xi) the level of customer satisfaction with the services provided.

**''SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.**

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

''(2) GENERAL AUTHORITIES.—In providing such assistance, protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), as determined by the Secretary.

''(b) GRANTS.—

''(1) RESERVATION.—For each fiscal year, the Secretary shall reserve such sums as may be necessary to carry out paragraph (4).

''(2) POPULATION BASIS.—From the funds appropriated under section 8(b) for a fiscal year and remaining after the reservation required by paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining funds as the population of the State bears to the population of all States.

''(3) MINIMUMS.—Subject to the availability of appropriations, the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

''(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than $30,000; and

''(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than $50,000.

''(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—

''(A) IN GENERAL.—The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section.

''(B) AMOUNT OF GRANTS.—The amount of such grants shall be the same as the amount provided under paragraph (3)(A).

''(c) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

''(d) CERTAIN STATES.—

''(1) GRANT TO LEAD AGENCY.—Notwithstanding any other provision of this section, with respect to a State that, on November 12, 1998, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall pay the amount of the grant described in subsection (a), and made under subsection (b), to the lead agency designated under section 4(c)(1) for the State.

''(2) DISTRIBUTION OF FUNDS.—A lead agency to which a grant amount is paid under paragraph (1) shall determine the manner in which funds made available through the grant will be allocated among the entities that were providing protection and advocacy services in that State on the date described in such paragraph, and shall distribute funds to such entities. In distributing such funds, the lead agency shall not establish any additional eligibility or procedural requirements for an entity in the State that supports protection and advocacy services through a protection and advocacy system. Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under this section.

''(3) APPLICATION OF PROVISIONS.—Except as provided in this subsection, the provisions of this section shall apply to the grant in the same manner, and to the same extent, as the provisions apply to a grant to a system.

''(e) CARRYOVER.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year. Program income generated from such amount shall remain available for 2 additional fiscal years after the year in which such amount was paid to an eligible system and may only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

''(f) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

''(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

''(2) engaging in informal advocacy to assist in securing assistive technology devices and assistive technology services for individuals with disabilities;

''(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities;

''(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

''(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

''(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

''(g) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 4(c)(1) the report described in subsection (f) and quarterly updates concerning the activities described in subsection (f).

''(h) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

**''SEC. 6. NATIONAL ACTIVITIES.**

''(a) IN GENERAL.—In order to support activities designed to improve the administration of this Act, the Secretary, under subsection (b)—

''(1) may award, on a competitive basis, grants, contracts, and cooperative agreements to entities to support activities described in paragraphs (1) and (2) of subsection (b); and

''(2) shall award, on a competitive basis, grants, contracts, and cooperative agreements to entities to support activities described in paragraphs (3), (4), and (5) of subsection (b).

''(b) AUTHORIZED ACTIVITIES.—

''(1) NATIONAL PUBLIC-AWARENESS TOOLKIT.—

''(A) NATIONAL PUBLIC-AWARENESS TOOLKIT.—The Secretary may award a 1-time grant, contract, or cooperative agreement to an eligible entity to support a training and technical assistance program that—

''(i) expands public-awareness efforts to reach targeted individuals and entities;

''(ii) contains appropriate accessible multimedia materials to reach targeted individuals and entities, for dissemination to State assistive technology programs; and

''(iii) in coordination with State assistive technology programs, provides meaningful and up-to-date information to targeted individuals and entities about the availability of assistive technology devices and assistive technology services.

''(B) ELIGIBLE ENTITY.—To be eligible to receive the grant, contract, or cooperative agreement, an entity shall develop a partnership that—

''(i) shall consist of—

''(I) a lead agency or implementing entity for a State assistive technology program or an organization or association that represents implementing entities for State assistive technology programs;

''(II) a private or public entity from the media industry;

''(III) a private entity from the assistive technology industry; and

''(IV) a private employer or an organization or association that represents private employers;

''(ii) may include other entities determined by the Secretary to be necessary; and

''(iii) may include other entities determined by the applicant to be appropriate.

''(2) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The Secretary may award grants, contracts, or cooperative agreements to eligible entities to carry out research and development of assistive technology that consists of—

''(i) developing standards for reliability and accessibility of assistive technology, and standards for interoperability (including open standards) of assistive technology with information technology, telecommunications products, and other assistive technology; or

''(ii) developing assistive technology that benefits individuals with disabilities or developing technologies or practices that result in the adaptation, maintenance, servicing, or improvement of assistive technology devices.

''(B) ELIGIBLE ENTITIES.—Entities eligible to receive a grant, contract, or cooperative agreement under this paragraph shall include—

''(i) providers of assistive technology services and assistive technology devices;

''(ii) institutions of higher education, including University Centers for Excellence in Developmental Disabilities Education, Research, and Service authorized under subtitle D of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061 et seq.), or such institutions offering rehabilitation engineering programs, computer science programs, or information technology programs;

''(iii) manufacturers of assistive technology devices; and

''(iv) professionals, individuals, organizations, and agencies providing services or employment to individuals with disabilities.

''(C) COLLABORATION.—An entity that receives a grant, contract, or cooperative agreement under this paragraph shall, in developing and implementing the project carried out through the grant, contract, or cooperative agreement coordinate activities with the lead agency for the State assistive technology program (or a national organization that represents such programs) and the State advisory council described in section 4(c)(2) (or a national organization that represents such councils).

''(3) STATE TRAINING AND TECHNICAL ASSISTANCE.—

''(A) TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—The Secretary shall award a grant, contract, or cooperative agreement to an entity to support a training and technical assistance program that—

''(i) addresses State-specific information requests concerning assistive technology from entities funded under this Act and public entities not funded under this Act, including—

''(I) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

''(II) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

''(III) requests for information on effective approaches to developing, implementing, evaluating, and sustaining activities described in sections 4 and 5 and related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages, and requests for assistance in developing corrective action plans;

''(IV) requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

''(V) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services; and

''(VI) other requests for training and technical assistance from entities funded under this Act and public and private entities not funded under this Act;

''(ii) assists targeted individuals and entities by disseminating information about—

''(I) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

''(II) technical assistance activities undertaken under clause (i);

''(iii) provides State-specific, regional, and national training and technical assistance concerning assistive technology to entities funded under this Act, other entities funded under this Act, and public and private entities not funded under this Act, including—

''(I) annually providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

''(II) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that affect State assistive technology programs;

''(III) convening experts from State assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology needs;

''(IV) sharing best practice and evidence-based practices among State assistive technology programs;

''(V) maintaining an accessible website that includes a link to State assistive technology programs, appropriate Federal departments and agencies, and private associations and developing a national toll-free number that links callers from a State with the State assistive technology program in their State;

''(VI) developing or utilizing existing (as of the date of the award involved) model cooperative volume-purchasing mechanisms designed to reduce the financial costs of purchasing assistive technology for required and discretionary activities identified in section 4, and reducing duplication of activities among State assistive technology programs; and

''(VII) providing access to experts in the areas of banking, microlending, and finance, for entities funded under this Act, through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs; and

''(iv) includes such other activities as the Secretary may require.

''(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall have (directly or through grant or contract)—

''(i) experience and expertise in administering programs, including developing, implementing, and administering the required and discretionary activities described in sections 4 and 5, and providing technical assistance; and

''(ii) documented experience in and knowledge about banking, finance, and microlending.

''(C) COLLABORATION.—In developing and providing training and technical assistance under this paragraph, including activities identified as priorities, a recipient of a grant, contract, or cooperative agreement under this paragraph shall collaborate with other organizations, in particular—

''(i) organizations representing individuals with disabilities;

''(ii) national organizations representing State assistive technology programs;

''(iii) organizations representing State officials and agencies engaged in the delivery of assistive technology;

''(iv) the data-collection and reporting providers described in paragraph (5); and

''(v) other providers of national programs or programs of national significance funded under this Act.

''(4) NATIONAL INFORMATION INTERNET SYSTEM.—

''(A) IN GENERAL.—The Secretary shall award a grant, contract, or cooperative agreement to an entity to renovate, update, and maintain the National Public Internet Site established under this Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004).

''(B) FEATURES OF INTERNET SITE.—The National Public Internet Site shall contain the following features:

''(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

''(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

''(iii) RESOURCES.—

''(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

''(II) INFORMATION ON ACCOMMODATING INDIVIDUALS WITH DISABILITIES.—The site shall include access to evidence-based research and best practices concerning how assistive technology

*can be used to accommodate individuals with disabilities in the areas of education, employment, health care, community living, and telecommunications and information technology.*

*''(III) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.*

*''(iv) LINKS TO PRIVATE-SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private-sector resources and information, under agreements developed between the recipient of the grant, contract, or cooperative agreement and cooperating private-sector entities.*

*''(v) LINKS TO PUBLIC-SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant public-sector resources and information, such as the Internet sites of the Office of Special Education and Rehabilitation Services of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the Small Business Administration, the Architectural and Transportation Barriers Compliance Board, the Technology Administration of the Department of Commerce, the Jobs Accommodation Network funded by the Office of Disability Employment Policy of the Department of Labor, and other relevant sites.*

*''(vi) MINIMUM LIBRARY COMPONENTS.—At a minimum, the site shall maintain updated information on—*

*''(I) State assistive technology program demonstration sites where individuals may try out assistive technology devices;*

*''(II) State assistive technology program device loan program sites where individuals may borrow assistive technology devices;*

*''(III) State assistive technology program device reutilization program sites;*

*''(IV) alternative financing programs or State financing systems operated through, or independently of, State assistive technology programs, and other sources of funding for assistive technology devices; and*

*''(V) various programs, including programs with tax credits, available to employers for hiring or accommodating employees who are individuals with disabilities.*

*''(C) ELIGIBLE ENTITY.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall be a nonprofit organization, for-profit organization, or institution of higher education, that—*

*''(i) emphasizes research and engineering;*

*''(ii) has a multidisciplinary research center; and*

*''(iii) has demonstrated expertise in—*

*''(I) working with assistive technology and intelligent agent interactive information dissemination systems;*

*''(II) managing libraries of assistive technology and disability-related resources;*

*''(III) delivering to individuals with disabilities education, information, and referral services, including technology-based curriculum-development services for adults with low-level reading skills;*

*''(IV) developing cooperative partnerships with the private sector, particularly with private-sector computer software, hardware, and Internet services entities; and*

*''(V) developing and designing advanced Internet sites.*

*''(5) DATA-COLLECTION AND REPORTING ASSISTANCE.—*

*''(A) IN GENERAL.—The Secretary shall award grants, contracts, and cooperative agreements to entities to assist the entities in carrying out State assistive technology programs in developing and implementing effective data-collection and reporting systems that—*

*''(i) focus on quantitative and qualitative data elements;*

*''(ii) measure the outcomes of the required activities described in section 4 that are implemented by the States and the progress of the States toward achieving the measurable goals described in section 4(d)(3);*

*''(iii) provide States with the necessary information required under this Act or by the Secretary for reports described in section 4(f)(2); and*

*''(iv) help measure the accrued benefits of the activities to individuals who need assistive technology.*

*''(B) ELIGIBLE ENTITIES.—To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall have personnel with—*

*''(i) documented experience and expertise in administering State assistive technology programs;*

*''(ii) experience in collecting and analyzing data associated with implementing required and discretionary activities;*

*''(iii) expertise necessary to identify additional data elements needed to provide comprehensive reporting of State activities and outcomes; and*

*''(iv) experience in utilizing data to provide annual reports to State policymakers.*

*''(c) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

*''(d) INPUT.—With respect to the activities described in subsection (b) to be funded under this section, including the national and regionally based training and technical assistance efforts carried out through the activities, in designing the activities the Secretary shall consider, and in providing the activities providers shall include, input of the directors of comprehensive statewide programs of technology-related assistance, directors of alternative financing programs, and other individuals the Secretary determines to be appropriate, especially—*

*''(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;*

*''(2) family members, guardians, advocates, and authorized representatives of such individuals;*

*''(3) individuals employed by protection and advocacy systems funded under section 5;*

*''(4) relevant employees from Federal departments and agencies, other than the Department of Education;*

*''(5) representatives of businesses; and*

*''(6) venders and public and private researchers and developers.*

***"SEC. 7. ADMINISTRATIVE PROVISIONS.***

*''(a) GENERAL ADMINISTRATION.—*

*''(1) IN GENERAL.—Notwithstanding any other provision of law, the Assistant Secretary for Special Education and Rehabilitative Services of the Department of Education, acting through the Rehabilitation Services Administration, shall be responsible for the administration of this Act.*

*''(2) COLLABORATION.—The Assistant Secretary for Special Education and Rehabilitative Services shall consult with the Office of Special Education Programs, the Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research in the Office of Special Education and Rehabilitative Services, and appropriate Federal entities in the administration of this Act.*

*''(3) ADMINISTRATION.—In administering this Act, the Rehabilitation Services Administration shall ensure that programs funded under this Act will address the needs of individuals with disabilities of all ages, whether the individuals will use the assistive technology to obtain or maintain employment, to obtain education, or for other reasons.*

*''(4) ORDERLY TRANSITION.—*

*''(A) IN GENERAL.—The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to, and implementation of, programs authorized by this Act, from programs authorized by the Assistive Technology Act of 1998, as in effect on the day before the date of enactment of the Assistive Technology Act of 2004.*

*''(B) CESSATION OF EFFECTIVENESS.—Subparagraph (A) ceases to be effective on the date that is 6 months after the date of enactment of the Assistive Technology Act of 2004.*

*''(b) REVIEW OF PARTICIPATING ENTITIES.—*

*''(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.*

*''(2) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).*

*''(c) CORRECTIVE ACTION AND SANCTIONS.—*

*''(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 6 or other means, within 90 days after such determination, to develop a corrective action plan.*

*''(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:*

*''(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.*

*''(B) Ineligibility to participate in the grant program in the following year.*

*''(C) Reduction in the amount of funding that may be used for indirect costs under section 4 for the following year.*

*''(D) Required redesignation of the lead agency designated under section 4(c)(1) or an entity responsible for administering the grant program.*

*''(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).*

*''(4) SECRETARIAL ACTION.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.*

*''(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public, by posting on the Internet website of the Department of Education, of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.*

*''(d) ANNUAL REPORT TO CONGRESS.—*

*''(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this Act to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.*

*''(2) CONTENTS.—Such report shall include—*

*''(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 4(f); and*

*''(B) a summary of the State applications described in section 4(d) and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 4(d)(3).*

*''(e) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.*

*''(f) EFFECT ON OTHER ASSISTANCE.—This Act may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.*

*''(g) RULE.—The Assistive Technology Act of 1998 (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall apply to funds appropriated under the Assistive Technology Act of 1998 for fiscal year 2004.*

***"SEC. 8. AUTHORIZATION OF APPROPRIATIONS.***

*''(a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY AND NATIONAL ACTIVITIES.—*

*''(1) IN GENERAL.—There are authorized to be appropriated to carry out sections 4 and 6 such sums as may be necessary for each of fiscal years 2005 through 2010.*

*''(2) RESERVATION.—*

*''(A) DEFINITION.—In this paragraph, the term 'higher appropriation year' means a fiscal year for which the amount appropriated under paragraph (1) and made available to carry out section 4 is at least $665,000 greater than the amount that—*

*''(i) was appropriated under section 105 of this Act (as in effect on October 1, 2003) for fiscal year 2004; and*

*''(ii) was not reserved for grants under section 102 or 104 of this Act (as in effect on such date) for fiscal year 2004.*

*''(B) AMOUNT RESERVED FOR NATIONAL ACTIVITIES.—Of the amount appropriated under paragraph (1) for a fiscal year—*

*''(i) not more than $1,235,000 may be reserved to carry out section 6, except as provided in clause (ii); and*

*''(ii) for a higher appropriation year—*

*''(I) not more than $1,900,000 may be reserved to carry out section 6; and*

*''(II) of the amount so reserved, the portion exceeding $1,235,000 shall be used to carry out paragraphs (1) and (2) of section 6(b).*

*''(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.—There are authorized to be appropriated to carry out section 5 $4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.''.*

***SEC. 3. CONFORMING AMENDMENTS.***

*(a) DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000.—The Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.) is amended—*

*(1) in section 124(c)(3)(B), by striking ''section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012)'' and inserting ''section 4 or 5 of the Assistive Technology Act of 1998'';*

*(2) in section 125(c)(5)(G)(i), by striking ''section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012)'' and inserting ''section 4 or 5 of the Assistive Technology Act of 1998'';*

*(3) in section 143(a)(2)(D)(ii), by striking ''section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012)'' and inserting ''section 4 or 5 of the Assistive Technology Act of 1998''; and*

*(4) in section 154(a)(3)(E)(ii)(VI), by striking ''section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012)'' and inserting ''section 4 or 5 of the Assistive Technology Act of 1998''.*

*(b) REHABILITATION ACT OF 1973.—The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended—*

*(1) in section 203, by striking subsection (e) and inserting the following:*

*''(e) In this section—*

*''(1) the terms 'assistive technology' and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998; and*

*''(2) the term 'targeted individuals' has the meaning given the term 'targeted individuals and entities' in section 3 of the Assistive Technology Act of 1998.'';*

*(2) in section 401(c)(2), by striking ''targeted individuals'' and inserting ''targeted individuals and entities''; and*

*(3) in section 502(d), by striking ''targeted individuals'' and inserting ''targeted individuals and entities''.*

Mr. MCKEON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 4278. The bill is the culmination of many months of bipartisan and bicameral efforts to reauthorize the Assistive Technology Act. This law is an important component in ensuring that individuals with disabilities can access assistive technology to attend school, maintain employment, and live independently.

As Members know, this bill is critically needed. This legislation finally ensures that State grant programs can count on a stable source of Federal funds to support their operations. The last reauthorization of the Assistive Technology Act in 1998 sunset the State grant program. For the past 3 years, many States have wondered whether a certain year would be their last year of Federal funding. This bill erases this doubt by ensuring that all States will be eligible for funding through 2010.

I want to mention the inclusion of the American Indian consortium as a funded protection and advocacy system under this legislation. Individuals with disabilities in Indian country are some of the most disadvantaged when it comes to the ability to access assistive technology. This bill will provide resources to this consortium to ensure the needs of Native Americans seeking assistive technology are represented. This provision alone will have a tremendously positive impact on Indian country.

The momentum behind this bill would not have been possible without a real bipartisan effort to move this bill. I want to thank Chairman BOEHNER and MCKEON and their staff for working closely with myself and my staff. I also want to thank Senators KENNEDY and GREGG and their staff for their hard work on this bill. We have truly created a bill that will improve the ability of individuals with disabilities to access assistive technology. This legislation is an excellent example of what we can accomplish if we put our efforts into working together.

Mr. MCKEON. Mr. Speaker, I rise today in support of H.R. 4278, the "Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004." This legislation reauthorizes and reforms the Assistive Technology Act, which was recrated in 1988.

By providing seed money to establish statewide systems, the Federal Government has played an important role in helping States develop systems to provide access to assistive technology devices and services for individuals with disabilities. Since enactment, all 50 States, the District of Columbia, Puerto Rico, and the outlying areas have established systems of some design and scope. In 1998, we added the alternative financing program as a competitive grant program, and we have seen many States make wonderful progress in expanding the opportunities made available to individuals with disabilities.

The original law contained a sunset provision in which the funding for these activities would expire after 10 years. However, the program has continued to receive funds for the past 6 years, even though the initial 10 years were completed. It is necessary to reauthorize this act to ensure that these programs continue to meet the needs of individuals with disabilities. The Federal funds distributed to States over the last 16 years have allowed States to set up the needed infrastructure to support assistive technology systems. To continue the success of the assistive technology programs and to ensure that Federal money is used to best provide services to individuals with disabilities, significant reform of the Assistive Technology Act is needed.

This bill shifts the focus of the program to provide greater direct benefit to individuals with disabilities. Our goal is to help States get more assistive technology directly into the hands of individuals with disabilities. This new focus expands the reach of the State programs by moving away from support of administrative activities and emphasizing the importance of getting the technology itself to the individuals with disabilities that need it. I know that this will help States continue to make progress in their efforts to expand access to assistive technology, and that increasing numbers of individuals with disabilities will be able to participate in society more fully every day.

Although we are refocusing the program, we certainly recognize the importance of State flexibility, and our bill maintains that important element of the program. We direct States to focus their efforts on putting technology into the hands of individuals with disabilities, but allow them the freedom to decide how they would go about that and which efforts will work best in their State to accomplish that goal.

States have two options in regards to their expenditures of Federal funds. In one option, States could allocate 70 percent of the resources to State level activities and spend no more than 30 percent on State leadership activities. State level activities are more focused on directly giving individuals with disabilities assistive technology access and services, while State leadership activities are more administrative. Under this option, the States would have full flexibility to select the activities in each category that they would support.

In the other option, States could choose to spend 60 percent of the resources on State level activities and no more than 40 percent on State leadership activities. However, the State would be required to support two particular State level activities, the alternative financing program and the device loan program. I believe that the increased focus on

State level activities coupled with the State flexibility will drastically improve the program and the assistance and services it provides to individuals with disabilities.

I am pleased with the changes that H.R. 4278 makes to the Assistive Technology Act, and I believe that they will greatly improve the lives of those affected by a disability. In crafting this legislation, we worked with our friends across the aisle, our friends in the disability community, and our State directors. I believe we have come up with a creative proposal that will give States significant flexiblity while also ensuring that the focus of the program does shift in the right direction. The reforms we have crafted in this bill respond to the concerns of the critics of this program, and will place the program on solid footing for continued and future success.

I would like to thank Mr. KILDEE and his staff, for the long hours that have gone into this process so far. I would also like to thank JIM RAMSTAD and JIM LANGEVIN for their support for this important legislation. As cochairs of the Disability Caucus, they know the importance of this legislation and I am glad to have their support today. I am very pleased with this bill, and I am glad to say we have been able to come together in a bipartisan way to improve this important program. I would also like to thank our friends in the disability community for working with us so diligently throughout this process. Your support for this legislation is valued and it is important that this has been such an open and deliberative process.

I strongly support H.R. 4278, the ''Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004,'' and I urge my colleagues to do the same.

## GENERAL LEAVE

Mr. MCKEON. 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 H.R. 4278.

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

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1350) reauthorize the Individuals with Disabilities Education Act, 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 California? The Chair hears none and, without objection, appoints the following conferees:

From the Committee on Education and the, Workforce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. BOEHNER, CASTLE, EHLERS, KELLER, WILSON of South Carolina, GEORGE MILLER of California, Ms. WOOLSEY, and Mr. OWENS.

From the Committee on Energy and Commerce, for consideration of section 101 and title V of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, BILIRAKIS, and DINGELL.

From the Committee on the Judiciary, for consideration of section 205 of the House bill, and section 101 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

There was no objection.

## EXTENDING LIABILITY INDEMNIFICATION REGIME FOR COMMERCIAL SPACE TRANSPORTATION INDUSTRY

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Science be discharged from further consideration of the bill (H.R. 5245) to extend the liability indemnification regime for the commercial space transportation industry, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5245

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

**SECTION 1. INDEMNIFICATION EXTENSION.**

Section 70113(f) of title 49, United States Code, is amended by striking ''December 31, 2004.'' and inserting ''December 31, 2009.''.

**SEC. 2. STUDY.**

Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall enter into an arrangement with a nonprofit entity for the conduct of an independent comprehensive study of the liability risk sharing regime in the United States for commercial space transportation under section 70113 of title 49, United States Code. To ensure that Congress has a full analysis of the liability risk sharing regime, the study shall assess methods by which the current system could be eliminated, including an estimate of the time required to implement each of the methods assessed. The study shall assess whether any alternative steps would be needed to maintain a viable and competitive United States space transportation industry if the current regime were eliminated. In conducting the assessment under this section, input from commercial space transportation insurance experts shall be sought. The study also shall examine liability risk sharing in other nations with commercial launch capability and evaluate the direct and indirect impact that ending this regime would have on the competitiveness of the United States commercial space launch industry in relation to foreign commercial launch providers and on United States assured access to space.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of Michigan. 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 H.R. 5245.

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

There was no objection.

## NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2004

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2608) to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. TABLE OF CONTENTS.***

*The table of contents for this Act is as follows:*

*TITLE I—EARTHQUAKE HAZARD REDUCTION*

*Sec. 101. Short title.*
*Sec. 102. Definitions.*
*Sec. 103. National earthquake hazards reduction program.*
*Sec. 104. Authorization of appropriations.*

*TITLE II—WINDSTORM IMPACT REDUCTION*

*Sec. 201. Short title.*
*Sec. 202. Findings.*
*Sec. 203. Definitions.*
*Sec. 204. National windstorm impact reduction program.*
*Sec. 205. National advisory committee on windstorm impact reduction.*
*Sec. 206. Savings clause.*
*Sec. 207. Authorization of appropriations.*
*Sec. 208. Biennial report.*
*Sec. 209. Coordination.*

*TITLE III—COMMERCIAL SPACE TRANSPORTATION*

*Sec. 301. Authorization of appropriations.*

***TITLE I—EARTHQUAKE HAZARD REDUCTION***

***SEC. 101. SHORT TITLE.***

*This title may be cited as the ''National Earthquake Hazards Reduction Program Reauthorization Act of 2004''.*

***SEC. 102. DEFINITIONS.***

*Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new paragraphs:*

*''(8) The term 'Interagency Coordinating Committee' means the Interagency Coordinating Committee on Earthquake Hazards Reduction established under section 5(a).*

*''(9) The term 'Advisory Committee' means the Advisory Committee established under section 5(a)(5).''.*

***SEC. 103. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.***

*Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)) is amended—*

*(1) by amending subsection (a) to read as follows:*

*''(a) ESTABLISHMENT.—*

*''(1) IN GENERAL.—There is established the National Earthquake Hazards Reduction Program.*

*''(2) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—*

''(A) develop effective measures for earthquake hazards reduction;

''(B) promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments, national standards and model code organizations, architects and engineers, building owners, and others with a role in planning and constructing buildings, structures, and lifelines through—

''(i) grants, contracts, cooperative agreements, and technical assistance;

''(ii) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines;

''(iii) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction; and

''(C) improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines, through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences; and

''(D) develop, operate, and maintain an Advanced National Seismic Research and Monitoring System established under section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707), the George E. Brown, Jr. Network for Earthquake Engineering Simulation established under section 14 of that Act (42 U.S.C. 7708), and the Global Seismographic Network.

''(3) INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

''(A) IN GENERAL.—There is established an Interagency Coordinating Committee on Earthquake Hazards Reduction chaired by the Director of the National Institute of Standards and Technology (referred to in this subsection as the 'Director').

''(B) MEMBERSHIP.—The committee shall be composed of the directors of—

''(i) the Federal Emergency Management Agency;

''(ii) the United States Geological Survey;

''(iii) the National Science Foundation;

''(iv) the Office of Science and Technology Policy; and

''(v) the Office of Management and Budget.

''(C) MEETINGS.—The Committee shall meet not less than 3 times a year at the call of the Director.

''(D) PURPOSE AND DUTIES.—The Interagency Coordinating Committee shall oversee the planning, management, and coordination of the Program. The Interagency Coordinating Committee shall—

''(i) develop, not later than 6 months after the date of enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and update periodically—

''(I) a strategic plan that establishes goals and priorities for the Program activities described under subsection (a)(2); and

''(II) a detailed management plan to implement such strategic plan; and

''(ii) develop a coordinated interagency budget for the Program that will ensure appropriate balance among the Program activities described under subsection (a)(2), and, in accordance with the plans developed under clause (i), submit such budget to the Director of the Office of Management and Budget at the time designated by that office for agencies to submit annual budgets.

''(4) ANNUAL REPORT.—The Interagency Coordinating Committee shall transmit, at the time of the President's budget request to Congress, an annual report to the Committee on Science and the Committee on Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include—

''(A) the Program budget for the current fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

''(B) the proposed Program budget for the next fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

''(C) a description of the activities and results of the Program during the previous year, including an assessment of the effectiveness of the Program in furthering the goals established in the strategic plan under (3)(A);

''(D) a description of the extent to which the Program has incorporated the recommendations of the Advisory Committee;

''(E) a description of activities, including budgets for the current fiscal year and proposed budgets for the next fiscal year, that are carried out by Program agencies and contribute to the Program, but are not included in the Program; and

''(F) a description of the activities, including budgets for the current fiscal year and proposed budgets for the following fiscal year, related to the grant program carried out under subsection (b)(2)(A)(i).

''(5) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Director shall establish an Advisory Committee on Earthquake Hazards Reduction of at least 11 members, none of whom may be an employee (as defined in subparagraphs (A) through (F) of section 7342(a)(1) of title 5, United States Code, including representatives of research and academic institutions, industry standards development organizations, State and local government, and financial communities who are qualified to provide advice on earthquake hazards reduction and represent all related scientific, architectural, and engineering disciplines. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

''(B) ASSESSMENT.—The Advisory Committee shall assess—

''(i) trends and developments in the science and engineering of earthquake hazards reduction;

''(ii) effectiveness of the Program in carrying out the activities under (a)(2);

''(iii) the need to revise the Program; and

''(iv) the management, coordination, implementation, and activities of the Program.

''(C) REPORT.—Not later than 1 year after the date of enactment of the National Earthquake Hazards Reduction Program Reauthorization Act of 2004 and at least once every 2 years thereafter, the Advisory Committee shall report to the Director on its findings of the assessment carried out under subparagraph (B) and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey Scientific Earthquake Studies Advisory Committee.

''(D) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 App. U.S.C. 14) shall not apply to the Advisory Committee.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Federal Emergency Management Agency'' and all that follows through ''of the Agency'' and inserting ''National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute'';

(ii) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) support the development of performance-based seismic engineering tools, and work with appropriate groups to promote the commercial application of such tools, through earthquake-related building codes, standards, and construction practices;'';

(iv) by striking ''The principal official carrying out the responsibilities described in this paragraph shall be at a level no lower than that of Associate Director.''; and

(v) in subparagraph (D), as redesignated by clause (ii), by striking ''National Science Foundation, the National Institutes of Standards and Technology'' and inserting ''Federal Emergency Management Agency, the National Science Foundation'';

(B) by striking so much of paragraph (2) as precedes subparagraph (B) and inserting the following:

''(2) DEPARTMENT OF HOMELAND SECURITY; FEDERAL EMERGENCY MANAGEMENT AGENCY.—

''(A) PROGRAM RESPONSIBILITIES.—The Under Secretary of Homeland Security for Emergency Preparedness and Response (the Director of the Federal Emergency Management Agency)—

''(i) shall work closely with national standards and model building code organizations, in conjunction with the National Institute of Standards and Technology, to promote the implementation of research results;

''(ii) shall promote better building practices within the building design and construction industry including architects, engineers, contractors, builders, and inspectors;

''(iii) shall operate a program of grants and assistance to enable States to develop mitigation, preparedness, and response plans, prepare inventories and conduct seismic safety inspections of critical structures and lifelines, update building and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and encourage the development of multi-State groups for such purposes;

''(iv) shall support the implementation of a comprehensive earthquake education and public awareness program, including development of materials and their wide dissemination to all appropriate audiences and support public access to locality-specific information that may assist the public in preparing for, mitigating against, responding to and recovering from earthquakes and related disasters;

''(v) shall assist the National Institute of Standards and Technology, other Federal agencies, and private sector groups, in the preparation, maintenance, and wide dissemination of seismic resistant design guidance and related information on building codes, standards, and practices for new and existing buildings, structures, and lifelines, and aid in the development of performance-based design guidelines and methodologies supporting model codes for buildings, structures, and lifelines that are cost effective and affordable;

''(vi) shall develop, coordinate, and execute the National Response Plan when required following an earthquake, and support the development of specific State and local plans for each high risk area to ensure the availability of adequate emergency medical resources, search and rescue personnel and equipment, and emergency broadcast capability;

''(vii) shall develop approaches to combine measures for earthquake hazards reduction with measures for reduction of other natural and technological hazards including performance-based design approaches;

''(viii) shall provide preparedness, response, and mitigation recommendations to communities after an earthquake prediction has been made under paragraph (3)(D); and

''(ix) may enter into cooperative agreements or contracts with States and local jurisdictions and other Federal agencies to establish demonstration projects on earthquake hazard mitigation, to link earthquake research and mitigation efforts with emergency management programs, or to prepare educational materials for national distribution.'';

(C) in paragraph (3)—

(i) by inserting ''and other activities'' after ''shall conduct research'';

(ii) in subparagraph (C), by striking ''the Agency'' and inserting ''the Director of the Federal Emergency Management Agency and the

*Director of the National Institute of Standards and Technology'';*

*(iii) in subparagraph (D), by striking ''the Director of the Agency'' and inserting ''the Director of the Federal Emergency Management Agency and the Director of the National Institute of Standards and Technology'';*

*(iv) in subparagraph (E), by striking ''establish, using existing facilities, a Center for the International Exchange of Earthquake Information'' and inserting ''operate, using the National Earthquake Information Center, a forum for the international exchange of earthquake information'';*

*(v) in subparagraph (F), by striking ''Network'' and inserting ''System''; and*

*(vi) by inserting after subparagraph (H) the following new subparagraphs:*

*''(I) work with other Program agencies to coordinate Program activities with similar earthquake hazards reduction efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and*

*''(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance-based design approaches.'';*

*(D) in paragraph (4)—*

*(i) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (H), respectively;*

*(ii) by inserting after subparagraph (C) the following:*

*''(D) support research that improves the safety and performance of buildings, structures, and lifeline systems using large-scale experimental and computational facilities of the George E. Brown Jr. Network for Earthquake Engineering Simulation and other institutions engaged in research and the implementation of the National Earthquake Hazards Reduction Program;'';*

*(iii) in subparagraph (F) (as so redesignated), by striking ''; and'' and inserting a semicolon; and*

*(iv) by inserting after subparagraph (F) (as so redesignated) the following:*

*''(G) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations; and'';*

*(E) in paragraph (5), by striking ''The National'' and inserting ''In addition to the lead agency responsibilities described under paragraph (1), the National''; and*

*(F) in paragraph (5)—*

*(i) by striking ''and'' after the semicolon in subparagraph (C);*

*(ii) by redesignating subparagraph (D) as subparagraph (E); and*

*(iii) by inserting after subparagraph (C) the following:*

*''(D) support the development and commercial application of cost effective and affordable performance-based seismic engineering by providing technical support for seismic engineering practices and related building code, standards, and practices development; and''; and*

*(3) in subsection (c)(1), by striking ''Agency'' and inserting ''Interagency Coordinating Committee''.*

***SEC. 104. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—*

*(1) by adding at the end of subsection (a) the following:*

*''(8) There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—*

*''(A) $21,000,000 for fiscal year 2005,*

*''(B) $21,630,000 for fiscal year 2006,*

*''(C) $22,280,000 for fiscal year 2007,*

*''(D) $22,950,000 for fiscal year 2008, and*

*''(E) $23,640,000 for fiscal year 2009,*

*of which not less than 10 percent of available program funds actually appropriated shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable design guidelines and methodologies in codes for buildings, structures, and lifelines.'';*

*(2) by inserting ''(1)'' before ''There'' in subsection (b);*

*(3) by striking ''subsection'' in the last sentence and inserting ''paragraph'';*

*(4) by redesignating paragraphs (1) through (5) of subsection (b) as subparagraphs (A) through (E), respectively;*

*(5) by adding at the end of subsection (b) the following:*

*''(2) There are authorized to be appropriated to the United States Geological Survey for carrying out this title—*

*''(A) $77,000,000 for fiscal year 2005, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;*

*''(B) $84,410,000 for fiscal year 2006, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;*

*''(C) $85,860,000 for fiscal year 2007, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13;*

*''(D) $87,360,000 for fiscal year 2008, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; and*

*''(E) $88,900,000 for fiscal year 2009, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13.'';*

*(6) by inserting ''(1)'' before ''To'' in subsection (c);*

*(7) by adding at the end of subsection (c) the following:*

*''(2) There are authorized to be appropriated to the National Science Foundation for carrying out this title—*

*''(A) $38,000,000 for fiscal year 2005;*

*''(B) $39,140,000 for fiscal year 2006;*

*''(C) $40,310,000 for fiscal year 2007;*

*''(D) $41,520,000 for fiscal year 2008; and*

*''(E) $42,770,000 for fiscal year 2009.'';*

*(8) by inserting ''(1)'' before ''To'' in subsection (d); and*

*(9) by adding at the end of subsection (d) the following:*

*''(2) There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—*

*''(A) $10,000,000 for fiscal year 2005,*

*''(B) $11,000,000 for fiscal year 2006,*

*''(C) $12,100,000 for fiscal year 2007,*

*''(D) $13,310,000 for fiscal year 2008, and*

*''(E) $14,640,000 for fiscal year 2009,*

*of which $2,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.''.*

*(b) SEPARATE AUTHORIZATION FOR THE ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.—Section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707) is amended by striking subsection (c).*

*(c) SEPARATE AUTHORIZATION FOR THE NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.—Section 14(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7708(b)) is amended—*

*(1) by striking ''and'' after the semicolon in paragraph (3);*

*(2) by striking ''2004.'' in paragraph (4) and inserting ''2004;'';*

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

*''(5) $20,000,000 for fiscal year 2005, all of which shall be available for operations and maintenance;*

*''(6) $20,400,000 for fiscal year 2006, all of which shall be available for operations and maintenance;*

*''(7) $20,870,000 for fiscal year 2007, all of which shall be available for operations and maintenance;*

*''(8) $21,390,000 for fiscal year 2008, all of which shall be available for operations and maintenance; and*

*''(9) $21,930,000 for fiscal year 2009, all of which shall be available for operations and maintenance.''.*

## *TITLE II—WINDSTORM IMPACT REDUCTION*

***SEC. 201. SHORT TITLE.***

*This Act may be cited as the ''National Windstorm Impact Reduction Act of 2004''.*

***SEC. 202. FINDINGS.***

*The Congress finds the following:*

*(1) Hurricanes, tropical storms, tornadoes, and thunderstorms can cause significant loss of life, injury, destruction of property, and economic and social disruption. All States and regions are vulnerable to these hazards.*

*(2) The United States currently sustains several billion dollars in economic damages each year due to these windstorms. In recent decades, rapid development and population growth in high-risk areas has greatly increased overall vulnerability to windstorms.*

*(3) Improved windstorm impact reduction measures have the potential to reduce these losses through—*

*(A) cost-effective and affordable design and construction methods and practices;*

*(B) effective mitigation programs at the local, State, and national level;*

*(C) improved data collection and analysis and impact prediction methodologies;*

*(D) engineering research on improving new structures and retrofitting existing ones to better withstand windstorms, atmospheric-related research to better understand the behavior and impact of windstorms on the built environment, and subsequent application of those research results; and*

*(E) public education and outreach.*

*(4) There is an appropriate role for the Federal Government in supporting windstorm impact reduction. An effective Federal program in windstorm impact reduction will require interagency coordination, and input from individuals, academia, the private sector, and other interested non-Federal entities.*

***SEC. 203. DEFINITIONS.***

*In this title:*

*(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Science and Technology Policy.*

*(2) PROGRAM.—The term ''Program'' means the National Windstorm Impact Reduction Program established by section 204(a).*

*(3) STATE.—The term ''State'' means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.*

*(4) WINDSTORM.—The term ''windstorm'' means any storm with a damaging or destructive wind component, such as a hurricane, tropical storm, tornado, or thunderstorm.*

***SEC. 204. NATIONAL WINDSTORM IMPACT REDUCTION PROGRAM.***

*(a) ESTABLISHMENT.—There is established the National Windstorm Impact Reduction Program.*

*(b) OBJECTIVE.—The objective of the Program is the achievement of major measurable reductions in losses of life and property from windstorms. The objective is to be achieved through a coordinated Federal effort, in cooperation with other levels of government, academia, and*

*the private sector, aimed at improving the understanding of windstorms and their impacts and developing and encouraging implementation of cost-effective mitigation measures to reduce those impacts.*

*(c) INTERAGENCY WORKING GROUP.—Not later than 90 days after the date of enactment of this Act, the Director shall establish an Interagency Working Group consisting of representatives of the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Institute of Standards and Technology, the Federal Emergency Management Agency, and other Federal agencies as appropriate. The Director shall designate an agency to serve as Chair of the Working Group and be responsible for the planning, management, and coordination of the Program, including budget coordination. Specific agency roles and responsibilities under the Program shall be defined in the implementation plan required under subsection (e). General agency responsibilities shall include the following:*

*(1) The National Institute of Standards and Technology shall support research and development to improve building codes and standards and practices for design and construction of buildings, structures, and lifelines.*

*(2) The National Science Foundation shall support research in engineering and the atmospheric sciences to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.*

*(3) The National Oceanic and Atmospheric Administration shall support atmospheric sciences research to improve the understanding of the behavior of windstorms and their impact on buildings, structures, and lifelines.*

*(4) The Federal Emergency Management Agency shall support the development of risk assessment tools and effective mitigation techniques, windstorm-related data collection and analysis, public outreach, information dissemination, and implementation of mitigation measures consistent with the Agency's all-hazards approach.*

*(d) PROGRAM COMPONENTS.—*

*(1) IN GENERAL.—The Program shall consist of three primary mitigation components: improved understanding of windstorms, windstorm impact assessment, and windstorm impact reduction. The components shall be implemented through activities such as data collection and analysis, risk assessment, outreach, technology transfer, and research and development. To the extent practicable, research activities authorized under this title shall be peer-reviewed, and the components shall be designed to be complementary to, and avoid duplication of, other public and private hazard reduction efforts.*

*(2) UNDERSTANDING OF WINDSTORMS.—Activities to enhance the understanding of windstorms shall include research to improve knowledge of and data collection on the impact of severe wind on buildings, structures, and infrastructure.*

*(3) WINDSTORM IMPACT ASSESSMENT.—Activities to improve windstorm impact assessment shall include—*

*(A) development of mechanisms for collecting and inventorying information on the performance of buildings, structures, and infrastructure in windstorms and improved collection of pertinent information from sources, including the design and construction industry, insurance companies, and building officials;*

*(B) research, development, and technology transfer to improve loss estimation and risk assessment systems; and*

*(C) research, development, and technology transfer to improve simulation and computational modeling of windstorm impacts.*

*(4) WINDSTORM IMPACT REDUCTION.—Activities to reduce windstorm impacts shall include—*

*(A) development of improved outreach and implementation mechanisms to translate existing information and research findings into cost-effective and affordable practices for design and construction professionals, and State and local officials;*

*(B) development of cost-effective and affordable windstorm-resistant systems, structures, and materials for use in new construction and retrofit of existing construction; and*

*(C) outreach and information dissemination related to cost-effective and affordable construction techniques, loss estimation and risk assessment methodologies, and other pertinent information regarding windstorm phenomena to Federal, State, and local officials, the construction industry, and the general public.*

*(e) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this title, the Interagency Working Group shall develop and transmit to the Congress an implementation plan for achieving the objectives of the Program. The plan shall include—*

*(1) an assessment of past and current public and private efforts to reduce windstorm impacts, including a comprehensive review and analysis of windstorm mitigation activities supported by the Federal Government;*

*(2) a description of plans for technology transfer and coordination with natural hazard mitigation activities supported by the Federal Government;*

*(3) a statement of strategic goals and priorities for each Program component area;*

*(4) a description of how the Program will achieve such goals, including detailed responsibilities for each agency; and*

*(5) a description of plans for cooperation and coordination with interested public and private sector entities in each program component area.*

*(f) BIENNIAL REPORT.—The Interagency Working Group shall, on a biennial basis, and not later than 180 days after the end of the preceding 2 fiscal years, transmit a report to the Congress describing the status of the windstorm impact reduction program, including progress achieved during the preceding two fiscal years. Each such report shall include any recommendations for legislative and other action the Interagency Working Group considers necessary and appropriate. In developing the biennial report, the Interagency Working Group shall consider the recommendations of the Advisory Committee established under section 205.*

***SEC. 205. NATIONAL ADVISORY COMMITTEE ON WINDSTORM IMPACT REDUCTION.***

*(a) ESTABLISHMENT.—The Director shall establish a National Advisory Committee on Windstorm Impact Reduction, consisting of not less than 11 and not more than 15 non-Federal members representing a broad cross section of interests such as the research, technology transfer, design and construction, and financial communities; materials and systems suppliers; State, county, and local governments; the insurance industry; and other representatives as designated by the Director.*

*(b) ASSESSMENT.—The Advisory Committee shall assess—*

*(1) trends and developments in the science and engineering of windstorm impact reduction;*

*(2) the effectiveness of the Program in carrying out the activities under section 204(d);*

*(3) the need to revise the Program; and*

*(4) the management, coordination, implementation, and activities of the Program.*

*(c) BIENNIAL REPORT.—At least once every two years, the Advisory Committee shall report to Congress and the Interagency Working Group on the assessment carried out under subsection (b).*

*(d) SUNSET EXEMPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee established under this section.*

***SEC. 206. SAVINGS CLAUSE.***

*Nothing in this title supersedes any provision of the National Manufactured Housing Construction and Safety Standards Act of 1974. No design, construction method, practice, technology, material, mitigation methodology, or hazard reduction measure of any kind developed under this title shall be required for a home certified under section 616 of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5415), pursuant to standards issued under such Act, without being subject to the consensus development process and rulemaking procedures of that Act.*

***SEC. 207. AUTHORIZATION OF APPROPRIATIONS.***

*(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—There are authorized to be appropriated to the Federal Emergency Management Agency for carrying out this title—*

*(1) $8,700,000 for fiscal year 2006;*

*(2) $9,400,000 for fiscal year 2007; and*

*(3) $9,400,000 for fiscal year 2008.*

*(b) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the National Science Foundation for carrying out this title—*

*(1) $8,700,000 for fiscal year 2006;*

*(2) $9,400,000 for fiscal year 2007; and*

*(3) $9,400,000 for fiscal year 2008.*

*(c) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this title—*

*(1) $3,000,000 for fiscal year 2006;*

*(2) $4,000,000 for fiscal year 2007; and*

*(3) $4,000,000 for fiscal year 2008.*

*(d) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for carrying out this title—*

*(1) $2,100,000 for fiscal year 2006;*

*(2) $2,200,000 for fiscal year 2007; and*

*(3) $2,200,000 for fiscal year 2008.*

***SEC. 208. BIENNIAL REPORT.***

*Section 37(a) of the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885d(a)) is amended by striking ''By January 30, 1982, and biennially thereafter'' and inserting ''By January 30 of each odd-numbered year''.*

***SEC. 209. COORDINATION.***

*The Secretary of Commerce, the Director of the National Institute of Standards and Technology, the Director of the Office of Science and Technology Policy and the heads of other Federal departments and agencies carrying out activities under this title and the statutes amended by this title shall work together to ensure that research, technologies, and response techniques are shared among the programs authorized in this title in order to coordinate the Nation's efforts to reduce vulnerability to the hazards described in this title.*

***TITLE III—COMMERCIAL SPACE TRANSPORTATION***

***SEC. 301. AUTHORIZATION OF APPROPRIATIONS.***

*Section 70119 of title 49, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:*

*''(1) $11,941,000 for fiscal year 2005;*

*''(2) $12,299,000 for fiscal year 2006;*

*''(3) $12,668,000 for fiscal year 2007;*

*''(4) $13,048,000 for fiscal year 2008; and*

*''(5) $13,440,000 for fiscal year 2009.''.*

Mr. SMITH of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

Mr. SMITH of Michigan. Mr. Speaker, H.R. 2608 authorizes two important interagency programs to coordinate the federal government's efforts to mitigate the loss of life and property from earthquakes and windstorms. I'd like to thank Congressman NEUGEBAUER for all of his hard work and effort as the author and driving force behind the National Windstorm Impact Reduction Program. I'd also like to thank Congressman LOFGREN for helping me craft the National Earthquake Hazards Reduction Program reauthorization and shepherding it through the legislative process.

Damaging earthquakes are inevitable, however infrequent they may be. Total annualized damages from earthquakes in the United States are estimated to be about $4.4 billion in direct financial losses. The 1994 Northridge earthquake in California (magnitude 6.7) was the most costly in U.S. history, causing over $40 billion in damages.

Further, all or parts of 39 states are within zones where the probability of an earthquake occurring is great. Recent research indicates that areas in the eastern and central United States are at greater risk of earthquake occurrence than earlier evidence indicated. The threat from earthquakes is constant and far reaching. Indeed, earthquakes are clearly not just a state or regional problem, but a nationwide problem, demanding nationwide mitigation. Accordingly, the federal government mitigates earthquakes through the comprehensive National Earthquake Hazards Reduction Program, also known as "NEHRP".

Over the past week, significant earthquake events in California and Washington have garnered our attention and concern. NEHRP-supported monitoring equipment managed by the U.S. Geological Survey and the national Science Foundation have resulted in an unprecedented harvest of data from both the Mr. St. Helens volcanic activity as well as the 6.0 Parkfield Earthquake on the San Andreas Fault. This information will undoubtedly lead to important advances in our understanding of earthquakes, and ultimately in our ability to prepare for and respond to them.

But much room for improvement still exists. Our vulnerability to earthquakes continues to increase. Widespread developments still occurs unabated in areas of high seismic risk. Despite the existence of new knowledge and tools produced by the program, development, adoption, and enforcement of pertinent building codes have been incremental and slower than expected. The private sector has not had adequate incentives, and state and local governments have generally not had adequate budgets, to adopt NEHRP innovations.

It is clear that NEHRP needs to be strengthened. Several aspects of program leadership and coordination continue to be an ongoing problem. Knowledge and awareness of these needs within the Office of Management and Budget, relevant appropriators—and even to some degree NEHRP agencies—has been too low. Many outside of the small community of earthquake interests are unaware that this coordinated effort even exists. These factors are addressed in the legislation before us today.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
*Washington, DC, October 8, 2004.*

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I appreciate your support for the Senate amendment to H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act of 2004. As your letter indicates, the Senate amendment includes provisions from both the House version of H.R. 2608 and H.R. 3980, the National Windstorm Impact Reduction Act of 2004.

I agree that by permitting this bill to be brought before the House and not objecting to its passage by unanimous consent, the Committee on Transportation and Infrastructure does not waive its jurisdiction over certain provisions of H.R. 2608, as amended by the Senate.

Thank you for your consideration regarding this matter.

Sincerely,

SHERWOOD L. BOEHLERT,
*Chairman.*

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, October 8, 2004.*

Hon. SHERWOOD BOEHLERT,
*Chairman, Committee on Science, House of Representatives, Washington, DC.*

DEAR CHAIRMAN BOEHLERT: I understand that H.R. 2608, the National Earthquake Reduction Program Reauthorization Act of 2004 has just passed the Senate and incorporates provisions contained in H.R. 3980, the National Windstorm Impact Reduction Act of 2004.

I note that in Title I of H.R. 2608, as amended by the Senate, the Director of the Federal Emergency Management Agency is directed to: "operate a program of grants and assistance which would enable States to develop preparedness and response plans, prepare inventories and conduct seismic safety inspections of critical structures and lifelines, update building and zoning codes and ordinances to enhance seismic safety, increase earthquake awareness and education, and encourage the development of multi-State groups for such purposes."

As you know, both of these measures contain provisions within the jurisdiction of the Transportation and Infrastructure Committee. I recognize your desire to bring these important matters before the House in an expeditious manner and I, therefore, do not object to passing them by unanimous consent. By agreeing to this, however, the Committee on Transportation and Infrastructure does not waive its jurisdiction over H.R. 2608, as amended by the Senate.

I would appreciate it if you would place a copy of this letter and your response in the CONGRESSIONAL RECORD when the bill is considered on the House Floor. I would also like to incorporate into this letter, by reference, the letter included in the RECORD when the House of Representatives considered H.R. 3980 on July 7th and 8th, 2004.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,
*Chairman.*

## GENERAL LEAVE

Mr. SMITH of Michigan. 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 H.R. 2608.

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

There was no objection.

## AMENDING THE SECURITIES LAWS TO PERMIT CHURCH PENSION PLANS TO BE INVESTED IN COLLECTIVE TRUSTS

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1533) to amend the securities laws to permit church pension plans to be invested in collective trusts, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Page 2, strike lines 17 through 22 and insert:

(2) by striking "other than any plan described in clause (A), (B), or (C)" and inserting the following: "or (D) a church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, other than any plan described in subparagraph (A), (B), (C), or (D)".

Mr. LATOURETTE (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

## AWARDING CONGRESSIONAL GOLD MEDAL TO REVEREND DOCTOR MARTIN LUTHER KING, JR.

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the Senate bill (S. 1368) to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1368

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

**SECTION 1. FINDINGS.**

Congress finds that—

(1) Reverend Doctor Martin Luther King, Jr. and his widow Coretta Scott King, as the first family of the civil rights movement, have distinguished records of public service to the American people and the international community;

(2) Dr. King preached a doctrine of nonviolent civil disobedience to combat segregation, discrimination, and racial injustice;

(3) Dr. King led the Montgomery bus boycott for 381 days to protest the arrest of Mrs. Rosa Parks and the segregation of the bus system of Montgomery, Alabama;

(4) in 1963, Dr. King led the march on Washington, D.C., that was followed by his famous address, the ''I Have a Dream'' speech;

(5) through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964, and the Voting Rights Act of 1965;

(6) despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place;

(7) Dr. King was assassinated for his beliefs on April 4, 1968, in Memphis, Tennessee;

(8) Mrs. King stepped into the civil rights movement in 1955 during the Montgomery bus boycott, and played an important role as a leading participant in the American civil rights movement;

(9) while raising 4 children, Mrs. King devoted herself to working alongside her husband for nonviolent social change and full civil rights for African Americans;

(10) with a strong educational background in music, Mrs. King established and performed several Freedom Concerts, which were well received, and which combined prose and poetry narration with musical selections to increase awareness and understanding of the Southern Christian Leadership Conference (of which Dr. King served as the first president);

(11) Mrs. King demonstrated composure in deep sorrow, as she led the Nation in mourning her husband after his brutal assassination;

(12) after the assassination, Mrs. King devoted all of her time and energy to developing and building the Atlanta-based Martin Luther King Jr. Center for Nonviolent Social Change (hereafter referred to as the ''Center'') as an enduring memorial to her husband's life and his dream of nonviolent social change and full civil rights for all Americans;

(13) under Mrs. King's guidance and direction, the Center has flourished;

(14) the Center was the first institution built in honor of an African American leader;

(15) the Center provides local, national, and international programs that have trained tens of thousands of people in Dr. King's philosophy and methods, and claims the largest archive of the civil rights movement; and

(16) Mrs. King led the massive campaign to establish Dr. King's birthday as a national holiday, and the holiday is now celebrated in more than 100 countries.

**SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King, in recognition of their service to the Nation.

(b) DESIGN AND STRIKING.—For the purpose of the presentations referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 3. DUPLICATE MEDALS.**

The Secretary of the Treasury shall strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs of the duplicate medals and the gold medal (including labor, materials, dies, use of machinery, and overhead expenses).

**SEC. 4. NATIONAL MEDALS.**

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 5. FUNDING AND PROCEEDS OF SALE.**

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LATOURETTE. 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 H.R. 1533 and S. 1368.

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

There was no objection.

## PRIVILEGED REPORT REQUESTING THE PRESIDENT AND THE SECRETARY OF HEALTH AND HUMAN SERVICES PROVIDE CERTAIN DOCUMENTS RELATING TO THE MEDICARE PRESCRIPTION DRUG LEGISLATION

Mr. BARTON of Texas from the Committee on Energy and Commerce, submitted a privileged report (Rept. No. 108–754, Part II) 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.

## MODIFYING AND EXTENDING CERTAIN PRIVATIZATION REQUIREMENTS OF THE COMMUNICATIONS SATELLITE ACT OF 1962

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2896) to modify and extend certain privatization requirements of the Communications Satellite Act of 1962, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2896

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

**SECTION 1. PRIVATIZATION REQUIREMENTS MODIFIED AND EXTENDED.**

Section 621(5) of the Communications Satellite Act of 1962 (47 U.S.C. 763) is amended—

(1) in subparagraph (A)(ii), by striking ''June 30, 2004'' and inserting ''June 30, 2005''; and

(2) by adding at the end the following new subparagraph:

''(F) Notwithstanding subparagraphs (A) and (B), a successor entity may be deemed a national corporation and may forgo an initial public offering and public securities listing and still achieve the purposes of this section if—

''(i) the successor entity certifies to the Commission that—

''(I) the successor entity has achieved substantial dilution of the aggregate amount of signatory or former signatory financial interest in such entity;

''(II) any signatories and former signatories that retain a financial interest in such successor entity do not possess, together or individually, effective control of such successor entity; and

''(III) no intergovernmental organization has any ownership interest in a successor entity of INTELSAT or more than a minimal ownership interest in a successor entity of Inmarsat;

''(ii) the successor entity provides such financial and other information to the Commission as the Commission may require to verify such certification; and

''(iii) the Commission determines, after notice and comment, that the successor entity is in compliance with such certification.

''(G) For purposes of subparagraph (F), the term 'substantial dilution' means that a majority of the financial interests in the successor entity is no longer held or controlled, directly or indirectly, by signatories or former signatories.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BARTON of Texas. Mr. Speaker, I rise today in support of S. 2896 and urge swift passage of this noncontroversial legislation. Earlier this week, the Senate passed S. 2896, to extend the deadline by which INTELSAT and Inmarsat are required to conduct an initial public offering (IPO) under the ORBIT Act and to further broaden the options available to these companies to divest their government shareholders. I commend my colleagues in the Senate for expeditiously addressing this important issue.

The ORBIT Act was enacted in March 2000 to promote a competitive market for satellite communications through the privatization of inter-governmental organizations. To achieve that competitive satellite marketplace, the ORBIT Act called on Inmarsat and INTELSAT to conduct an initial public offering (IPO) by a date certain—December 31, 2001. The purpose of this IPO requirement was to ensure independence by substantially diluting the ownership of these privatized companies by their former owners, many of which were foreign governmental entities. Such dilution would facilitate a more competitive satellite marketplace devoid of the perverse influences associated with government ownership and control.

However, due to volatility in the financial markets, and the telecommunications sector specifically, Congress has repeatedly been forced to grant additional time for these companies to conduct their statutorily mandated IPOs. Unfortunately, the market conditions

have not improved. Today, these companies, instead of going to the public equity markets, have opted to use private equity deals to divest themselves of government ownership.

I fully supported the goal of independence and competition when we enacted the ORBIT Act, and I still do today. Indeed, the action we take today is fully consistent with this policy objective.

This bill, while it does not eliminate the IPO requirement, allows other methods, which are currently being used in the marketplace to show "substantial dilution." This bill makes the ORBIT Act consistent with what is happening today in the real world.

There are certainly other issues in the ORBIT Act that deserve to be explored and I intend to ask Telecommunications and Internet Subcommittee Chairman UPTON to hold a hearing on the Act early next year to examine what further needs to be accomplished. But today, I fully support S. 2896 and I urge my colleagues to support it as well.

## GENERAL LEAVE

Mr. BARTON of Texas. 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 S. 2896.

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

There was no objection.

## JOHN F. KENNEDY CENTER REAUTHORIZATION ACT OF 2004

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 5294) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I yield to the chairman of the subcommittee for an explanation of the measure before us.

Mr. LATOURETTE. I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding under his reservation.

Mr. Speaker, H.R. 5294 is virtually identical to H.R. 3198, the John F. Kennedy Center Reauthorization Act of 2003, which passed the House of Representatives on November 17, 2003.

The legislation reauthorizes the programs of the Kennedy Center for 4 years. This is a bipartisan bill. I urge our colleagues to support the bill.

I want to thank the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the full Committee on Transportation and Infrastructure, for his work; also the gentlewoman from the District of Columbia (Ms. NORTON), the ranking member of our subcommittee, for the outstanding work on this bill and so many others during the 108th Congress.

Mr. OBERSTAR. Further reserving the right to object, Mr. Speaker, I compliment the chairman of the subcommittee for his diligent work in shepherding this bill through this historic moment.

He has been a dedicated and informed and forthright leader of the subcommittee and on the issues under its jurisdiction, particularly those relating to the John F. Kennedy Center for the Performing Arts.

For the last decade, as a member of the Board of Trustees, I have watched firsthand the center undertake major capital projects, renovating the theaters, creating state-of-the-art concert halls, the Opera House, replacing a badly deteriorated roof.

Throughout all these major capital maintenance renovation construction projects, the center opened every day of the year and welcomed over 5 million visitors and has stayed true to its mission as a national cultural arts center and a living memorial to our 35th President.

The chairman has described the principal features of the bill. What I want to emphasize, however, is the great difficulty of running this incredible living memorial and arts center while managing the major construction initiatives. The Kennedy Center, in doing so, and the chairman I know agrees with this position, must improve its construction management.

□ 2300

The General Accounting Office reviewed the Kennedy Center's operation and found that the Center needs, one, to develop policy and procedures to guide the plans and management of its construction projects; two, ensure that its construction contractors provide schedule and cost information in a timely fashion; and three, invest in the key human capital resources and the expertise to manage better its construction projects.

The Center has made progress. The chairman has held hearings on this matter, and we greatly appreciate those hearings. They reveal that the Center needs to do much better.

Just last month, GAO reported that the Center has not updated its building plan each year as the law requires. The building plan does not explain how the Kennedy Center prioritizes its capital projects. It fails to provide adequate information on project-specific status, updates and budgets so that we in the Congress and the board of trustees will have the information necessary to ensure that the Center's capital projects are well managed.

I think this legislation, by requiring further steps to strengthen the construction management process, will move the Kennedy Center forward in directions that we feel are important, and for that, I thank the chairman for his vigilance and greatly appreciate the partnership.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5294

*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 "John F. Kennedy Center Reauthorization Act of 2004".

**SEC. 2. AUTHORIZATIONS OF APPROPRIATIONS.**

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

"(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

"(1) $17,000,000 for fiscal year 2004; and

"(2) $18,000,000 for each of fiscal years 2005, 2006, and 2007.

"(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

"(1) $16,000,000 for fiscal year 2004; and

"(2) $18,000,000 for each of fiscal years 2005, 2006, and 2007.".

**SEC. 3. JOHN F. KENNEDY CENTER PLAZA.**

(a) RESPONSIBILITIES OF THE SECRETARY.—Section 12(b) of the John F. Kennedy Center Act (20 U.S.C. 76q–1(b)) is amended by adding at the end the following:

"(6) PROJECT TEAM.—

"(A) ESTABLISHMENT.—To further construction of the Project, the Secretary shall establish a Project Team.

"(B) MEMBERSHIP.—The Project Team shall be composed of the following members:

"(i) The Secretary (or the Secretary's designee).

"(ii) The Administrator of General Services (or the Administrator's designee).

"(iii) The Chairman of the Board (or the Chairman's designee).

"(iv) Such other individuals as the Project Team considers appropriate.

"(C) PROJECT DIRECTOR.—The Project Team shall have a Project Director who shall be appointed by the Secretary, in consultation with the Administrator of General Services and the Chairman of the Board. The Project Director shall report directly to the Project Team.".

(b) RESPONSIBILITIES OF THE BOARD.—

(1) IN GENERAL.—Section 12(c)(1) of such Act (20 U.S.C. 76q–1(c)(1)) is amended by inserting ", in consultation with the Project Team," after "The Board".

(2) CONSTRUCTION OF BUILDINGS.—Section 12(c)(3) of such Act (20 U.S.C. 76q–1(c)(3)) is amended by inserting ", in consultation with the Project Team," after "The Board".

(3) APPROVAL BY PROJECT TEAM.—Section 12(c) of such Act (20 U.S.C. 76q–1(c)) is amended by adding at the end the following:

"(5) APPROVAL BY PROJECT TEAM.—Notwithstanding section 5(e), any decision by the Board that will significantly affect, as determined by the Project Team in consultation with the Board, the scope, cost, schedule, or engineering feasibility of any element of the Project, other than buildings to be constructed on the Plaza, shall be subject to the approval of the Project Team.".

(c) GAO REVIEW.—Section 12 of such Act (20 U.S.C. 76q–1) is amended by adding at the end the following:

''(g) GAO REVIEW.—Until completion of the Project, the Comptroller General shall review the management and oversight of construction of the Project by the Board and report periodically on the results of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2004

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4175) to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2004''.*

***SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.***

*(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2004, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).*

*(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:*

*(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.*

*(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.*

*(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.*

*(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.*

*(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.*

*(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.*

*(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.*

*(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.*

*(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2004.*

*(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2004, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).*

*(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.*

*(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.*

***SEC. 3. PUBLICATION OF ADJUSTED RATES.***

*At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2005, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.*

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. Speaker, H.R. 4175, as amended, would provide a cost-of-living adjustment (COLA), in the same amount as given to Social Security recipients, to disabled veterans and surviving spouses. All veterans and qualified survivors of veterans who receive disability compensation would receive a full COLA beginning on December 1 of this year.

More than 2.5 million veterans were receiving service-connected disability compensation as of April 2004. The basic purpose of the disability compensation program is to provide a measure of relief from the impaired earning capacity of veterans disabled as a result of their military service. These benefits are paid monthly, and range from $106 for a 10 percent disability to $2,239 for a 100 percent disability. Additional monetary benefits are available for our most severely disabled veterans, as well as those with dependents.

Spouses of veterans who died on active duty or as the result of a service-connected disability likewise are entitled to monetary compensation, as the Nation assumes, in part, the legal and moral obligation of the veteran to support the spouse and children. Depending on their spouse's rank or grade in service, a spouse receives between $967 and $2,063 monthly. Currently, there are more than 300,000 surviving spouses and more than 29,000 children receiving dependency and indemnity compensation (DIC).

I urge my colleagues to support this bipartisan measure.

Mr. EVANS. Mr. Speaker, I would like to thank CHRIS SMITH, Chairman of the Full Committee, the Benefits Subcommittee Chairman, HENRY BROWN and Ranking Member of the Benefits Subcommittee, MICHAEL MICHAUD, for working together to assure that the spending power of our Nation's disabled veterans and their survivors will not be eroded by the passage of time. Once again the Committee on Veterans Affairs had demonstrated the meaning of bipartisanship. Your work is strongly supported by Members from both sides of the aisle.

H.R. 4175, the Veterans' Compensation Cost-of-Living Adjustment Act of 2004 will help our service-disabled veterans and their survivors to maintain the value of their compensation benefits despite any increase in the cost-of-living. Although we will not know the exact amount of the increase until computations of the Social Security cost-of-living increase are completed later this month, we can rest assured that benefits will be increased in 2005.

The Nation's veterans and survivors have earned these benefits. H.R. 4175 is a bill which deserves the support of all Members of this House and I urge all Members to support it.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of New Jersey. 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 H.R. 4175, as amended

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

There was no objection.

## GLOBAL ANTI-SEMITISM REVIEW ACT OF 2004

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate bill (S. 2292) to require a report on acts of anti-Semitism around the world, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2292

*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 ''Global Anti-Semitism Review Act of 2004''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Acts of anti-Semitism in countries throughout the world, including some of the world's strongest democracies, have increased significantly in frequency and scope over the last several years.

(2) During the first 3 months of 2004, there were numerous instances of anti-Semitic violence around the world, including the following incidents:

(A) In Australia on January 5, 2004, poison was used to ignite, and burn anti-Semitic

slogans into, the lawns of the Parliament House in the state of Tasmania.

(B) In St. Petersburg, Russia, on February 15, 2004, vandals desecrated approximately 50 gravestones in a Jewish cemetery, painting the stones with swastikas and anti-Semitic graffiti.

(C) In Toronto, Canada, over the weekend of March 19 through March 21, 2004, vandals attacked a Jewish school, a Jewish cemetery, and area synagogues, painting swastikas and anti-Semitic slogans on the walls of a synagogue and on residential property in a nearby, predominantly Jewish, neighborhood.

(D) In Toulon, France, on March 23, 2004, a Jewish synagogue and community center were set on fire.

(3) Anti-Semitism in old and new forms is also increasingly emanating from the Arab and Muslim world on a sustained basis, including through books published by government-owned publishing houses in Egypt and other Arab countries.

(4) In November 2002, state-run television in Egypt broadcast the anti-Semitic series entitled ''Horseman Without a Horse,'' which is based upon the fictitious ''Protocols of the Learned Elders of Zion''. The Protocols have been used throughout the last century by despots such as Adolf Hitler to justify violence against Jews.

(5) In November 2003, Arab television featured an anti-Semitic series, entitled ''Ash-Shatat'' (or ''The Diaspora''), which depicts Jewish people hatching a plot for Jewish control of the world.

(6) The sharp rise in anti-Semitic violence has caused international organizations such as the Organization for Security and Cooperation in Europe (OSCE) to elevate, and bring renewed focus to, the issue, including the convening by the OSCE in June 2003 of a conference in Vienna dedicated solely to the issue of anti-Semitism.

(7) The OSCE will again convene a conference dedicated to addressing the problem of anti-Semitism on April 28–29, 2004, in Berlin, with the United States delegation to be led by former Mayor of New York City Ed Koch.

(8) The United States Government has strongly supported efforts to address anti-Semitism through bilateral relationships and interaction with international organizations such as the OSCE, the European Union, and the United Nations.

(9) Congress has consistently supported efforts to address the rise in anti-Semitic violence. During the 107th Congress, both the Senate and the House of Representatives passed resolutions expressing strong concern with the sharp escalation of anti-Semitic violence in Europe and calling on the Department of State to thoroughly document the phenomenon.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the United States Government should continue to strongly support efforts to combat anti-Semitism worldwide through bilateral relationships and interaction with international organizations such as the OSCE; and

(2) the Department of State should thoroughly document acts of anti-Semitism that occur around the world.

**SEC. 4. REPORTS.**

(a) ONE-TIME REPORT.—Not later than November 15, 2004, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on acts of anti-Semitism around the world, including a description of—

(1) acts of physical violence against, or harassment of, Jewish people, and acts of violence against, or vandalism of, Jewish community institutions, such as schools, synagogues, or cemeteries, that occurred in each country;

(2) the responses of the governments of those countries to such actions;

(3) the actions taken by such governments to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

(4) the efforts by such governments to promote anti-bias and tolerance education.

(b) INFORMATION REQUIRED IN ANNUAL DEPARTMENT OF STATE REPORTS.—The Secretary of State shall include the information required under subsection (a) in the annual reports of the Department of State known as the Annual Report on International Religious Freedom and the Annual Human Rights Report.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan:

Page 2, line 7, after ''During'' insert the following: ''the last 3 months of 2003 and''.

Page 2, after line 9, insert the following new subparagraphs:

(A) In Putrajaya, Malaysia, on October 16, 2003, former Prime Minister Mahatir Mohammad told the 57 national leaders assembled for the Organization of the Islamic Conference that Jews ''rule the world by proxy'', and called for a ''final victory'' by the world's 1.3 billion Muslims, who, he said, ''cannot be defeated by a few million Jews.''.

(B) In Istanbul, Turkey, on November 15, 2003, simultaneous car bombs exploded outside two synagogues filled with worshippers, killing 24 people and wounding more than 250 people.

Page 2, line 10, redesignate subparagraph (A) as subparagraph (C).

Page 2, line 14, redesignate subparagraph (B) as subparagraph (D).

Page 2, line 19, redesignate subparagraph (C) as subparagraph (E).

Page 3, line 1, redesignate subparagraph (D) as subparagraph (F).

Page 3, beginning line 9, paragraph (4) is amended to read as follows:

(4) In November 2002, state-run television in Egypt broadcast the anti-Semitic series entitled ''Horseman Without a Horse'', which is based upon the fictitious conspiracy theory known as the Protocols of the Elders of Zion. The Protocols have been used throughout the last century by despots such as Adolf Hitler to justify violence against Jews.

Page 4, beginning line 3, paragraph (7) is amended to read as follows:

(7) The OSCE convened a conference again on April 28–29, 2004, in Berlin, to address the problem of anti-Semitism with the United States delegation led by former Mayor of New York City, Ed Koch.

Page 4, after line 20, insert the following new paragraph:

(10) Anti-Semitism has at times taken the form of vilification of Zionism, the Jewish national movement, and incitement against Israel.

Page 5, line 2, insert after ''OSCE'' the following: '', the European Union, and the United Nations''.

Page 5, line 7, strike ''(a) ONE-TIME REPORT.—''.

Page 5, line 11, insert ''one-time'' before ''report''.

Page 5, line 22, strike ''and'' at the end.

Page 5, line 24, strike the period at the end and insert ''; and''.

Page 5, after line 24, insert the following new paragraph:

(5) instances of propaganda in government and nongovernment media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people.

Page 6, beginning line 1, strike subsection (b) and insert the following new sections:

**SEC. 5. AUTHORIZATION FOR ESTABLISHMENT OF OFFICE TO MONITOR AND COMBAT ANTI-SEMITISM.**

The State Department Basic Authorities Act of 1956 is amended by adding after section 58 (22 U.S.C. 2730) the following new section:

**''SEC. 59. MONITORING AND COMBATING ANTI-SEMITISM.**

''(a) OFFICE TO MONITOR AND COMBAT ANTI-SEMITISM.—

''(1) ESTABLISHMENT OF OFFICE.—The Secretary shall establish within the Department of State an Office to Monitor and Combat anti-Semitism (in this section referred to as the 'Office') .

''(2) HEAD OF OFFICE.—

''(A) SPECIAL ENVOY FOR MONITORING AND COMBATING ANTI-SEMITISM.—The head of the Office shall be the Special Envoy for Monitoring and Combating anti-Semitism (in this section referred to as the 'Special Envoy').

''(B) APPOINTMENT OF HEAD OF OFFICE.—The Secretary shall appoint the Special Envoy. If the Secretary determines that such is appropriate, the Secretary may appoint the Special Envoy from among officers and employees of the Department. The Secretary may allow such officer or employee to retain the position (and the responsibilities associated with such position) held by such officer or employee prior to the appointment of such officer or employee to the position of Special Envoy under this paragraph.

''(b) PURPOSE OF OFFICE.—Upon establishment, the Office shall assume the primary responsibility for—

''(1) monitoring and combatting acts of anti-Semitism and anti-Semitic incitement that occur in foreign countries;

''(2) coordinating and assisting in the preparation of that portion of the report required by sections 116(d)(7) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)(7) and 2304(b)) relating to an assessment and description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement for inclusion in the annual Country Reports on Human Rights Practices; and

''(3) coordinating and assisting in the preparation of that portion of the report required by section 102(b)(1)(A)(iv) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)(A)(iv)) relating to an assessment and description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement for inclusion in the Annual Report on International Religious Freedom.

''(c) CONSULTATIONS.—The Special Envoy shall consult with domestic and international nongovernmental organizations and multilateral organizations and institutions, as the Special Envoy considers appropriate to fulfill the purposes of this section.''.

**SEC. 6. INCLUSION IN DEPARTMENT OF STATE ANNUAL REPORTS OF INFORMATION CONCERNING ACTS OF ANTI-SEMITISM IN FOREIGN COUNTRIES.**

(a) INCLUSION IN COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) by redesignating paragraphs (8), (9), and (10), as paragraphs (9), (10), and (11), respectively; and

(B) by inserting after paragraph (7) the following new paragraph:

''(8) wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur

during the preceding year, including descriptions of—

''(A) acts of physical violence against, or harassment of Jewish people, and acts of violence against, or vandalism of Jewish community institutions, including schools, synagogues, and cemeteries;

''(B) instances of propaganda in government and nongovernment media that attempt to justify or promote racial hatred or incite acts of violence against Jewish people;

''(C) the actions, if any, taken by the government of the country to respond to such violence and attacks or to eliminate such propaganda or incitement;

''(D) the actions taken by such government to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people; and

''(E) the efforts of such government to promote anti-bias and tolerance education;''; and

(2) after the fourth sentence of section 502B(b) (22 U.S.C. 2304(b)), by inserting the following new sentence: ''Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8).''.

(b) INCLUSION IN ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM.—Section 102(b)(1)(A) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)(A)) is amended—

(1) in clause (ii), by striking ''and'' at the end;

(2) in clause (iii), by striking the period at the end and inserting ''; and''; and

(3) by adding after clause (iii) the following new clause:

''(iv) wherever applicable, an assessment and description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur in that country during the preceding year, including—

''(I) acts of physical violence against, or harassment of, Jewish people, acts of violence against, or vandalism of, Jewish community institutions, and instances of propaganda in government and nongovernment media that incite such acts; and

''(II) the actions taken by the government of that country to respond to such violence and attacks or to eliminate such propaganda or incitement, to enact and enforce laws relating to the protection of the right to religious freedom of Jewish people, and to promote anti-bias and tolerance education.''.

(c) EFFECTIVE DATE OF INCLUSIONS.—The amendments made by subsections (a) and (b) shall apply beginning with the first report under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) and section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6312(b)) submitted more than 180 days after the date of the enactment of this Act.

Mr. SMITH of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The amendment was agreed to.

Mr. SMITH of New Jersey. Mr. Speaker, I am very pleased that today our amended version of S. 2292, the Global Anti-Semitism Review Act of 2004, is on the floor of the House for consideration. Senator VOINOVICH is to be commended for introducing and securing successful passage of S. 2292, as he is a tireless ally in our efforts to eradicate anti-Semitism. In support of his efforts, I introduced the House version, H.R. 4214, in April.

Realizing now is the time to act, Senator VOINOVICH, Congressman LANTOS and myself have since discussed ways to further strengthen the Global Anti-Semitism Review Act. Working in concert, we amended the text to add mechanisms to improve and strengthen the ability of our government to combat the evil of anti-Semitism.

The amended version, Mr. Speaker, maintains the State Department report on global anti-Semitism envisioned by Senator VOINOVICH. This report will set a benchmark as to the individual records of countries around the globe. The report, due for release no later than November 15, 2004, will examine the number of acts of physical violence against Jews or vandalism of Jewish community institutions and government responses to such actions. In addition, the report will detail steps taken by governments to protect the religious freedoms of Jewish people and describe governmental efforts to promote anti-bias and tolerance education.

Recognizing the role of media in encouraging anti-Semitic acts, the amended version also adds coverage of propaganda in government and nongovernment media that attempt to incite acts of violence against Jews. The importance of this issue was hammered home by James Tisch, Chairman of the Conference of Presidents of Major American Jewish Organizations, at a Helsinki Commission hearing on governmental responses to anti-Semitism in the OSCE region. He said: "[T]he Arab man in the street . . . doesn't stand a chance of being anything but [fiercely anti-Semitic], considering the barrage of hatred and venom about Jews to which he is constantly exposed. This river of lies flows from his leaders, his newspapers and his television set. The Arab media and the governments that sponsor and tolerate this flood of poison are to blame. This isn't about politics; it's about an ocean of hatred."

Mr. Speaker, we must push all governments to ensure their media are not adding fuel to the fire of anti-Semitism. By including coverage of domestic media, we make the one time global report on anti-Semitism more complete by exposing the source of an enormous amount of anti-Semitic vitriol.

The amended version of S. 2292 is stronger in other ways, foremost by mandating the creation of the Office to Monitor and Combat Anti-Semitism in the State Department and creating the position of Special Envoy for Monitoring and Combating Anti-Semitism. A point person specifically tasked with focusing on anti-Semitism will increase our ability to respond quickly and effectively when incidents arise. In addition, the Special Envoy can be double-hatted with another position, thereby giving the Department flexibility in its appointment. The office will also be involved in the drafting of the appropriate sections of the human rights and religious freedom reports. Considering anti-Semitism plagues all regions of the world, this special office will ensure that the United States resolutely denounces acts of anti-Semitism whenever and wherever they occur.

Concerning State Department reports, our amended version of S. 2292 will establish standards for the reporting on anti-Semitism when appropriate in the human rights and religious freedom reports. While our embassy staff labor tirelessly to ensure the human rights and religious freedom reports accurately cover the issue of anti-Semitism, I was concerned with the unevenness of reporting. The amendment will standardize coverage in the two reports, requiring the examination of: physical violence against Jews or vandalism of Jewish community institutions; propaganda in government and nongovernment media that attempt to incite acts of violence against Jews; governmental responses to violence or propaganda; governmental actions to enact and enforce laws relating to the protection of religious freedom of Jews; and governmental efforts to promote anti-bias and tolerance education.

By setting forth criteria for the Department, it will aid our embassies in more thoroughly covering the issue of anti-Semitism and ensure it receives the attention it deserves.

Again, I want to thank our leadership for making passage of this bill a priority. Their steadfast support, as well as the unwavering support from the Bush Administration, has greatly aided our efforts to fight anti-Semitism across the globe.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RESOLUTION OF THE ETHIOPIA-ERITREA BORDER DISPUTE ACT OF 2003

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2760) to limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2760

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 ''Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ALGIERS AGREEMENTS.—The term ''Algiers Agreements'' means the Cessation of Hostilities Agreements and the Comprehensive Peace Agreement.

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

(3) CESSATION OF HOSTILITIES AGREEMENT.—The term ''Cessation of Hostilities Agreement'' means the Agreement on the Cessation of Hostilities signed on June 18, 2000, in Algiers, Algeria, by the Government of Ethiopia and the Government of Eritrea that

established a temporary demilitarized security zone within Eritrea to be enforced by the United Nations Peacekeeping Mission in Ethiopia and Eritrea (UNMEE).

(4) COMPREHENSIVE PEACE AGREEMENT.—The term ''Comprehensive Peace Agreement'' means the agreement signed on December 12, 2000, in Algiers, Algeria, by the Government of Ethiopia and the Government of Eritrea, under the auspices of the Organization of African Unity (OAU), that provided for an end to military hostilities between the two countries, assurances by the countries to refrain from the threat or use of force against each other, and established a neutral Boundary Commission to delimit and demarcate the border between the two countries.

(5) ECONOMIC ASSISTANCE.—The term ''economic assistance'' means—

(A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance); and

(B) assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance).

(6) MILITARY ASSISTANCE AND ARMS TRANSFERS.—The term ''military assistance and arms transfers'' means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training or ''IMET''), including military education and training for civilian personnel under section 541 of that Act (commonly referred to as ''Expanded IMET''); and

(C) assistance under the ''Foreign Military Financing'' Program under section 23 of the Arms Export Control Act and the transfer of defense articles, defense services, design and construction services, or any other defense-related training under that Act.

**SEC. 3. FINDINGS.**

Congress makes the following findings:

(1) On May 6, 1998, a conflict erupted between Ethiopia and Eritrea, two of the world's poorest countries.

(2) The two-year war claimed 100,000 lives, displaced more than 1,000,000 people, cost Ethiopia more than $2,900,000,000, and caused a 62 percent decline in food production in Eritrea.

(3) Millions of dollars were diverted from much needed development projects into military activities and weapons procurements at a time when severe drought threatened a famine in both Ethiopia and Eritrea, as bad as the famine in 1984 in those countries, putting more than 13,000,000 lives at risk.

(4) On June 18, 2000, Prime Minister Meles Zenawi of the Federal Democratic Republic of Ethiopia and President Issaias Afewerki of the State of Eritrea signed the Cessation of Hostilities Agreement in Algiers, Algeria. On December 12, 2000, the two countries also signed the Comprehensive Peace Agreement in Algiers under the auspices of the Organization of African Unity (OAU) and in the presence of United Nations Secretary General Kofi Annan and President Abdel-Aziz Boutheflika of Algeria.

(5) Article 4.2 of the Comprehensive Peace Agreement states the following: ''The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border [between the two countries] based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law.''.

(6) Article 4.15 of the Comprehensive Peace Agreement states the following: ''The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as territorial integrity and sovereignty of the other party.''.

(7)(A) The President of the United Nations Security Council, on behalf of the Security Council, confirmed the Security Council's endorsement of the terms and conditions of the Algiers Agreements, with special reference to the neutral Boundary Commission described in Article 4.2 of the Comprehensive Peace Agreement and its mandate.

(B) In addition, the Security Council reaffirmed its support for the Algiers Agreements in United Nations Security Council Resolution 1308 (July 17, 2000), 1312 (July 31, 2000), 1320 (September 15, 2000), 1344 (March 15, 2001), 1369 (September 14, 2001), 1398 (March 15, 2002), 1430 (August 14, 2002), 1434 (September 6, 2002), and 1466 (March 14, 2003).

(8) On April 13, 2002, the neutral Boundary Commission announced its ''Delimitation Decision'', reiterating that both parties had agreed that it would be ''final and binding''.

(9) Following the decision of the Boundary Commission that the heavily disputed town of Badme would be zoned to the Eritrean side of the new border, Foreign Minister Seyoum Mesfin of Ethiopia announced on April 15, 2003, that ''[n]o-one expects the [G]overnment of Ethiopia to accept these mistakes committed by the Commission''. Further, the Ethiopian Ministry of Information released a statement accusing the Boundary Commission of an ''unfair tendency'' in implementing the border ruling and ''misinterpreting'' the Algiers Agreements.

(10) In his March 6, 2003, ''Progress Report'' to the United Nations Security Council, Secretary General Kofi Annan reported that Prime Minister Zenawi of Ethiopia had expressed to his Special Representative, Legwaila Joseph Legwaila, that ''if its concerns were not adequately addressed Ethiopia might eventually reject the demarcation-related decisions of the Commission''.

(11) The independent Boundary Commission has investigated, reviewed, and rejected Ethiopia's claims with respect to the village of Badme, and in a report issued on March 12, 2003, stated that, based on the boundary line from the 1902 treaty between the two countries that was used as the reference under the terms of the Algiers Agreements, the evidence submitted by the Government of Ethiopia to support its claim was ''inadequate and inconsistent'' and the Commission ''cannot allow one party to claim a territorial right, to insist on adjustments of parts of the boundary with that party finds disadvantageous''.

**SEC. 4. SENSE OF CONGRESS.**

It is the sense of Congress that both Ethiopia and Eritrea should take all appropriate actions to implement the Algiers Agreements, including by accepting the ''Delimitation Decision'' issued by the neutral Boundary Commission on April 13, 2002, with respect to the boundary between the two countries.

**SEC. 5. DECLARATIONS OF POLICY.**

Congress makes the following declarations:

(1) Congress expresses its support for the Boundary Commission established by the Comprehensive Peace Agreement and calls on the international community to continue to support the United Nations trust fund established to facilitate the process of demarcation between Ethiopia and Eritrea and the economic and social transition of affected communities to new borders determined by the Commission.

(2) Congress further declares that it shall be the policy of the United States to limit United States assistance for Ethiopia or Eritrea if either such country is not in compliance with, or is not taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(3) Congress strongly condemns recent statements by senior Ethiopian officials criticizing the Boundary Commission's decision and calls on the Government of Ethiopia to immediately end its intransigence and fully cooperate with the Commission.

**SEC. 6. LIMITATIONS ON UNITED STATES ASSISTANCE.**

(a) LIMITATION ON ECONOMIC ASSISTANCE.—Economic assistance may only be provided for Ethiopia or Eritrea for any period of time for which the President determines that Ethiopia or Eritrea (as the case may be) is in compliance with, or is taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(b) LIMITATION ON MILITARY ASSISTANCE AND ARMS TRANSFERS.—Military assistance and arms transfers may only be provided for Ethiopia or Eritrea for any period of time for which the President determines that Ethiopia or Eritrea (as the case may be) is in compliance with, or is taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(c) EXCEPTIONS.—The limitation on assistance under subsections (a) and (b) shall not apply with respect to humanitarian assistance (such as food or medical assistance), peacekeeping assistance, counterterrorism initiatives, assistance to protect or promote human rights, and assistance to prevent, treat, and control HIV/AIDS.

(d) WAIVER.—The President may waive the application of subsection (a) or (b) with respect to Ethiopia or Eritrea if the President determines that it is in the national security interests of the United States to do so.

**SEC. 7. REPORTS.**

Until the date on which the border demarcation between Ethiopia and Eritrea is finalized, the President shall prepare and transmit on a regular basis to the appropriate congressional committees a report that contains a description of progress being made toward such demarcation, including the extent to which Ethiopia and Eritrea are in compliance with, or are taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of Michigan:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Resolution of the Ethiopia-Eritrea Border Dispute Act of 2004''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ALGIERS AGREEMENTS.—The term ''Algiers Agreements'' means the Cessation of Hostilities Agreement and the Comprehensive Peace Agreement.

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

(3) CESSATION OF HOSTILITIES AGREEMENT.—The term ''Cessation of Hostilities Agreement'' means the Agreement on the Cessation of Hostilities signed on June 18, 2000, in Algiers, Algeria, by the Government of Ethiopia and the Government of Eritrea that

established a temporary demilitarized security zone within Eritrea to be enforced by the United Nations Peacekeeping Mission in Ethiopia and Eritrea (UNMEE).

(4) COMPREHENSIVE PEACE AGREEMENT.—The term ''Comprehensive Peace Agreement'' means the agreement signed on December 12, 2000, in Algiers, Algeria, by the Government of Ethiopia and the Government of Eritrea, under the auspices of the Organization of African Unity (OAU), that provided for an end to military hostilities between the two countries, assurances by the countries to refrain from the threat or use of force against each other, and established a neutral Boundary Commission to delimit and demarcate the border between the two countries.

(5) ECONOMIC ASSISTANCE.—The term ''economic assistance'' means—

(A) assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance); and

(B) assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to economic support fund assistance).

(6) MILITARY ASSISTANCE AND ARMS TRANSFERS.—The term ''military assistance and arms transfers'' means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training or ''IMET''), including military education and training for civilian personnel under section 541 of that Act (commonly referred to as ''Expanded IMET''); and

(C) assistance under the ''Foreign Military Financing'' Program under section 23 of the Arms Export Control Act and the transfer of defense articles, defense services, design and construction services, or any other defense-related training under that Act.

**SEC. 3. FINDINGS.**

Congress makes the following findings:

(1) On May 6, 1998, a conflict erupted between Ethiopia and Eritrea, two of the world's poorest countries.

(2) The two-year war claimed 100,000 lives, displaced more than 1,000,000 people, cost Ethiopia more than $2,900,000,000, and caused a 62 percent decline in food production in Eritrea.

(3) Millions of dollars were diverted from much needed development projects into military activities and weapons procurements at a time when severe drought threatened a famine in both Ethiopia and Eritrea, as bad as the famine in 1984 in those countries, putting more than 13,000,000 lives at risk.

(4) On June 18, 2000, Prime Minister Meles Zenawi of the Federal Democratic Republic of Ethiopia and President Isaias Afewerki of the State of Eritrea signed the Cessation of Hostilities Agreement in Algiers, Algeria. On December 12, 2000, the two countries also signed the Comprehensive Peace Agreement in Algiers under the auspices of the Organization of African Unity (OAU) and in the presence of United Nations Secretary General Kofi Annan and President Abdel-Aziz Boutheflika of Algeria.

(5) Article 4.2 of the Comprehensive Peace Agreement states the following: ''The parties agree that a neutral Boundary Commission composed of five members shall be established with a mandate to delimit and demarcate the colonial treaty border [between the two countries] based on pertinent colonial treaties (1900, 1902 and 1908) and applicable international law.''.

(6) Article 4.15 of the Comprehensive Peace Agreement states the following: ''The parties agree that the delimitation and demarcation determinations of the Commission shall be final and binding. Each party shall respect the border so determined, as well as territorial integrity and sovereignty of the other party.''.

(7)(A) The President of the United Nations Security Council, on behalf of the Security Council, confirmed the Security Council's endorsement of the terms and conditions of the Algiers Agreements, with special reference to the neutral Boundary Commission described in Article 4.2 of the Comprehensive Peace Agreement and its mandate.

(B) In addition, the Security Council reaffirmed its support for the Algiers Agreements in United Nations Security Council Resolutions 1312 (July 31, 2000), 1320 (September 15, 2000), 1344 (March 15, 2001), 1369 (September 14, 2001), 1398 (March 15, 2002), 1430 (August 14, 2002), 1434 (September 6, 2002), 1466 (March 14, 2003), 1507 (September 12, 2003), 1531 (March 12, 2004), and 1560 (September 14, 2004).

(8) On April 13, 2002, the neutral Boundary Commission announced its ''Delimitation Decision'', reiterating that both parties had agreed that it would be ''final and binding''.

(9) Following the decision of the Boundary Commission that the heavily disputed town of Badme would be zoned to the Eritrean side of the new border, Foreign Minister Seyoum Mesfin of Ethiopia announced on April 15, 2003, that ''[n]o-one expects the [G]overnment of Ethiopia to accept these mistakes committed by the Commission''. Further, the Ethiopian Ministry of Information released a statement accusing the Boundary Commission of an ''unfair tendency'' in implementing the border ruling and ''misinterpreting'' the Algiers Agreements.

(10) In his March 6, 2003, ''Progress Report'' to the United Nations Security Council, Secretary General Kofi Annan reported that Prime Minister Zenawi of Ethiopia had expressed to his Special Representative, Legwaila Joseph Legwaila, that ''if its concerns were not properly addressed Ethiopia might eventually reject the demarcation-related decisions of the Commission''.

(11) On September 19, 2003, Prime Minister Zenawi wrote to United Nations Secretary General Kofi Annan and stated: ''As the Commission's decisions could inevitably lead the two countries into another round of fratricidal war, the Security Council has an obligation, arising out of the UN Charter, to avert such a threat to regional peace and stability.''.

(12) On October 3, 2003, the United Nations Security Council wrote to Prime Minister Zenawi and stated: ''The members of the Security Council therefore wish to convey to you their deep regret at the intention of the government of Ethiopia not to accept the entirety of the delimitation and demarcation decision as decided by the boundary commission. They note in particular, that Ethiopia has committed itself under the Algiers Agreements to accept the boundary decision as final and binding.''.

(13)(A) In an attempt to resolve the continued impasse, United Nations Secretary General Kofi Annan offered his good offices to the two parties and appointed Mr. Lloyd Axworthy, former Minister for Foreign Affairs of Canada, to serve as his Special Envoy for Ethiopia and Eritrea on January 29, 2004.

(B) Despite the assurances of the United Nations Secretary General, including in his Progress Reports of March 6, 2004, and July 7, 2004, that the appointment of the Special Envoy was ''not intended to establish an alternative mechanism to the Boundary Commission or to renegotiate its final and binding decision'', President Isaias of Eritrea has refused to meet with the Special Envoy or otherwise engage in political dialogue aimed at resolving the current impasse.

(14) In his July 7, 2004, ''Progress Report'' to the United Nations Security Council, Secretary General Kofi Annan reported that the Ethiopian Ministry of Foreign Affairs continues to reiterate its position that ''the current demarcation line would disrupt the lives of border communities and lead to future conflict''.

(15) In that same report, Secretary General Annan reminded both governments that they themselves ''entrusted the Boundary Commission with the entire demarcation process, drew up its mandate and selected its Commissioners'' and called upon the Government of Ethiopia to ''unequivocally restate its acceptance of the Boundary Commission's decision, appoint field liaison officers, and pay its dues to and otherwise cooperate fully and expeditiously with the Commission''.

**SEC. 4. SENSE OF CONGRESS.**

It is the sense of Congress that Ethiopia and Eritrea—

(1) should take all appropriate actions to implement the Algiers Agreements, including by accepting the ''Delimitation Decision'' issued by the neutral Boundary Commission on April 13, 2002, with respect to the boundary between the two countries; and

(2) should fully cooperate with the United Nations Special Envoy for Ethiopia-Eritrea, Lloyd Axworthy, whose mandate is the implementation of the Algiers Agreements, the Delimitation Decision of the Boundary Commission, and the relevant resolutions and decisions of the United Nations Security Council.

**SEC. 5. DECLARATIONS OF POLICY.**

Congress makes the following declarations:

(1) Congress expresses its support for the Boundary Commission established by the Comprehensive Peace Agreement and calls on the international community to continue to support the United Nations trust fund established to facilitate the process of demarcation between Ethiopia and Eritrea and the economic and social transition of affected communities to new borders determined by the Commission.

(2) Congress further declares that it shall be the policy of the United States to limit United States assistance for Ethiopia or Eritrea if either such country is not in compliance with, or is not taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(3) Congress strongly condemns statements by senior Ethiopian officials criticizing the Boundary Commission's decision and calls on the Government of Ethiopia to immediately and unconditionally fulfill its commitments under the Algiers Agreements, publicly accept the Boundary Commission's decision, and fully cooperate with the implementation of such decision.

(4) Congress recognizes the acceptance by the Government of Eritrea of the Boundary Commission's decision as final and binding, but condemns the Government of Eritrea's continued refusal to take advantage of the good offices offered by the United Nations Secretary General, to work with Special Envoy Lloyd Axworthy, or to otherwise engage in dialogue aimed at resolving the current impasse, and calls on the President of Eritrea to do so without further delay.

**SEC. 6. LIMITATIONS ON UNITED STATES ASSISTANCE.**

(a) LIMITATION ON ECONOMIC ASSISTANCE.—Economic assistance may only be provided for Ethiopia or Eritrea for any period of time for which the President determines that Ethiopia or Eritrea (as the case may be) is in compliance with, or is taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(b) LIMITATION ON MILITARY ASSISTANCE AND ARMS TRANSFERS.—Military assistance

and arms transfers may only be provided for Ethiopia or Eritrea for any period of time for which the President determines that Ethiopia or Eritrea (as the case may be) is in compliance with, or is taking significant steps to comply with, the terms and conditions of the Algiers Agreements.

(c) EXCEPTIONS.—The limitation on assistance under subsections (a) and (b) shall not apply with respect to humanitarian assistance (such as food or medical assistance), assistance to protect or promote human rights, and assistance to prevent, treat, and control HIV/AIDS.

(d) WAIVER.—The President may waive the application of subsection (a) or (b) with respect to Ethiopia or Eritrea, particularly for the provision of peacekeeping assistance or counterterrorism assistance, if the President determines and certifies to the appropriate congressional committees that it is in the national interests of the United States to do so.

**SEC. 7. INTEGRATION AND BORDER DEVELOPMENT INITIATIVE.**

(a) ASSISTANCE.—After the date on which the border demarcation between Ethiopia and Eritrea is finalized (consistent with the decision of the Boundary Commission established by the Comprehensive Peace Agreement), the President shall establish and carry out an initiative in conjunction with the Governments of Ethiopia and Eritrea under which assistance is provided to reduce the adverse humanitarian impacts on the populations of the border region, prevent conflict which might result from the demarcation process, and further social and economic development projects that are identified and evaluated by local authorities to establish sustainable integration, development, and trade at the border region.

(b) PROJECT EXAMPLES.—Examples of development projects referred to in subsection (a) are—

(1) startup initiatives, including farming projects, to promote community economic development and the free flow of trade across the border between the two countries;

(2) generous compensation packages for families displaced by the border demarcation and support for relocation;

(3) effective mechanisms for managing movement of persons across the border between the two countries;

(4) an increase in the supply of basic services in the border region, including water, sanitation, housing, health care, and education; and

(5) support for local efforts to reinforce peace and reconciliation in the border region.

**SEC. 8. REPORT.**

Until the date on which the border demarcation between Ethiopia and Eritrea is finalized, the President shall prepare and transmit on a regular basis to the appropriate congressional committees a report that contains a description of progress being made toward such demarcation, including the extent to which Ethiopia and Eritrea are in compliance with, or are taking significant steps to comply with, the terms and conditions of the Algiers Agreements, and are otherwise cooperating with internationally-sanctioned efforts to resolve the current impasse.

Mr. SMITH of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

The amendment in the nature of a substitute was agreed to.

Mr. LANTOS. Mr. Speaker, I want to thank the Chairman of the Committee on International Relations, my good friend from Illinois, for agreeing to move this important legislation forward. With passage of this legislation, Congress will further encourage the end to a long, protracted dispute between these two desperately poor nations.

In July 2003, after considerable deliberation, I introduced this legislation to let the Eritrean and Ethiopian governments know that the international community's patience with this costly border dispute could not go on forever. Mr. Speaker, Ethiopia and Eritrea fought an unnecessary and bloody two-year war beginning in May 1998, which claimed 100,000 lives and displaced more than 1,000,000 people. The damage of the war was exacerbated by a preventable food crisis that left nearly 12 million people at risk of starvation.

Today, 20 years after the 1984 Ethiopian famine, both Ethiopians and Eritreans rely increasingly on food aid abroad while their governments spend hundreds of millions of dollars on weapons. In 2000, Ethiopia and Eritrea signed a comprehensive peace agreement in Algiers. The agreement established a neutral Boundary Commission and the parties agreed that the decision of the Commission is final and binding.

In April 2002, the Boundary Commission announced its Delimitation Decision, placing the heavily disputed town of Badme in Eritrea. Both nations initially accepted the ruling, although Ethiopia later rejected the Commission's ruling. Ethiopia's refusal to accept the decision of the Boundary Commission has delayed demarcation of the boundary and is costing the international community millions of dollars because of the delay.

To date, more than $600 million have been spent to keep U.N. peacekeeping troops in a 25-kilometer-wide temporary security zone between the two countries. Meanwhile, the people of both nations are starving. In Eritrea, the 2004 donor appeal included a request for nearly $150 million to meet their food requirements for this year alone. Meanwhile, 13 million Ethiopians will meet none of their food needs in the 2004–05 production year, increasing to 14 million in 2005–06 and reaching an estimated 17.3 million by 2007–2008.

Mr. Speaker, over the past decade, the United States has provided $1.8 billion in foreign assistance to Ethiopia and another $333 million to Eritrea. So, why is the international community being asked to spend one-half a billion dollars to keep Ethiopia and Eritrea from attacking each other while their people starve? Mr. Speaker, what is wrong with this picture? And why, after agreeing to the Boundary Commission's decision, has Ethiopia continued its refusal to comply with its own binding commitment?

U.N. Secretary General Kofi Anan appointed Lloyd Axworthy, the former Canadian foreign minister, as his Special Envoy and charged him with reinforcing international efforts to settle the dispute and move the process forward. While I deeply disagree with the position taken by President Meles of Ethiopia, I want to commend him for extending the courtesy of meeting with the Special Envoy during his visit to Ethiopia.

On the other hand, I cannot express the extent of my dismay and disappointment that President Issaias of Eritrea refused to meet the Special Envoy, illustrating his own inflexibility and disdain for international efforts. There were no preconditions for meeting Mr. Axworthy, and only a diplomatic courtesy was expected.

Mr. Speaker, it is an outrage that these two countries whose citizens live on the very edge of survival cannot end their belligerent relationship, settle their dispute, and get on with addressing the critical economic, social, and political needs of their people. Instead of developing the great agricultural potential of Ethiopia and exploiting Eritrea's strategic port, these two countries find themselves permanently locked in a dispute and ultimately, appealing again to the international community for humanitarian help.

Mr. Speaker, H.R. 2760 sends a very clear message to both countries—abide by the Algiers Agreement and respect international diplomatic efforts and the United States will work to build economic prosperity and peace in the border areas. However, if either country fails to abide by the Algiers Agreement or refuses to cooperate with the Special Envoy, there should be consequences.

The amendment offered by the gentleman from Michigan, Mr. SMITH, and myself updates the resolution and has been agreed by both sides of the aisle. I want to thank my good friend from Michigan for assistance in this matter.

Mr. Speaker, I urge all of my colleagues to vote in support of this bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of Michigan. 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 H.R. 2760.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 1047, MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes:

(Conference report will be printed in Book II of the RECORD.)

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report to accompany the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, and that the conference report be considered as having been read.

The Clerk read the title of the conference report.

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

There was no objection.

(For conference report and statement, see immediately prior proceedings of the House of today.)

The SPEAKER pro tempore. Without objection, the conference report is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

## FEDERAL EMPLOYEES DENTAL AND VISION BENEFITS ENHANCEMENT ACT OF 2004

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 5295) to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5295

*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 ''Federal Employees Dental and Vision Benefits Enhancement Act of 2004''.

**SEC. 2. ENHANCED DENTAL BENEFITS.**

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89 the following:

**''CHAPTER 89A—ENHANCED DENTAL BENEFITS**

''Sec.
''8921. Definitions.
''8922. Availability of dental benefits.
''8923. Contracting authority.
''8924. Benefits.
''8925. Information to individuals eligible to enroll.
''8926. Election of coverage.
''8927. Coverage of restored survivor or disability annuitants.
''8928. Premiums.
''8929. Preemption.
''8930. Studies, reports, and audits.
''8931. Jurisdiction of courts.
''8932. Administrative functions.

**''§ 8921. Definitions**

''In this chapter:

''(1) The term 'employee' means an employee, as defined by section 8901(1).

''(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings given such terms by section 8901.

''(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

''(4) The term 'Office' means the Office of Personnel Management.

''(5) The term 'qualified company' means a company (or consortium of companies) that offers indemnity, preferred provider organization, health maintenance organization, or discount dental programs, and, if required, is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

''(7) The term 'State' includes the District of Columbia.

**''§ 8922. Availability of dental benefits**

''(a) The Office shall establish and administer a program through which an eligible individual may obtain dental coverage to supplement coverage available through chapter 89.

''(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

''(c) Nothing in this chapter shall be construed to prohibit the availability of dental benefits provided by health benefits plans under chapter 89.

**''§ 8923. Contracting authority**

''(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8924, without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

''(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) Each contract under this section shall contain—

''(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

''(2) the terms of the enrollment period; and

''(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

''(c) Nothing in this chapter shall, in the case of an individual electing dental supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

''(d)(1) Each contract under this chapter shall require the qualified company to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

''(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

''(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

''(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

**''§ 8924. Benefits**

''(a) The Office may prescribe reasonable minimum standards for enhanced dental benefits plans offered under this chapter and for qualified companies offering the plans.

''(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

''(c) The benefits to be provided under enhanced dental benefits plans under this chapter may be of the following types:

''(1) Diagnostic.
''(2) Preventive.
''(3) Emergency care.
''(4) Restorative.
''(5) Oral and maxillofacial surgery.
''(6) Endodontics.
''(7) Periodontics.
''(8) Prosthodontics.
''(9) Orthodontics.

''(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery specified by the Office. The Office shall require qualified companies to include underserved areas (with respect to dental services) in their service delivery areas.

''(e) If an individual has dental coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

**''§ 8925. Information to individuals eligible to enroll**

''(a) The qualified companies, at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a dental benefits plan information on services and benefits (including maximums, limitations, and exclusions) that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

''(b) The Office shall make available to each individual eligible to enroll in a dental benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

**''§ 8926. Election of coverage**

''(a) An eligible individual may enroll in a dental benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll

for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

''(b) The Office shall prescribe regulations under which—

''(1) an eligible individual may enroll in a dental benefits plan; and

''(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

''(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another dental benefits plan—

''(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

''(B) during other times and under other circumstances specified by the Office.

''(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

**''§ 8927. Coverage of restored survivor or disability annuitants**

''A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and later restored may continue enrollment in a dental benefits plan, subject to the terms and conditions prescribed in regulations issued by the Office.

**''§ 8928. Premiums**

''(a) Each eligible individual obtaining supplemental dental coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

''(c) The amount necessary to pay the premiums for enrollment may—

''(1) in the case of an employee, be withheld from the pay of such an employee; and

''(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

''(d) All amounts withheld under this section shall be paid directly to the qualified company.

''(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

''(f)(1) The Employees Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

''(2)(A) There is established in the Employees Health Benefits Fund a Dental Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

''(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Dental Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

**''§ 8929. Preemption**

''The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to dental benefits, insurance, plans, or contracts.

**''§ 8930. Studies, reports, and audits**

''(a) Each contract shall contain provisions requiring the qualified company—

''(1) to furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

''(b) Each Government agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

''(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the dental benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

**''§ 8931. Jurisdiction of courts**

''The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8923(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

**''§ 8932. Administrative functions**

''(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

''(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the dental benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.''.

**SEC. 3. ENHANCED VISION BENEFITS.**

Subpart G of part III of title 5, United States Code, is amended by inserting after chapter 89A (as added by section 2) the following:

**''CHAPTER 89B—ENHANCED VISION BENEFITS**

''Sec.
''8941. Definitions.
''8942. Availability of vision benefits.
''8943. Contracting authority.
''8944. Benefits.
''8945. Information to individuals eligible to enroll.
''8946. Election of coverage.
''8947. Coverage of restored survivor or disability annuitants.
''8948. Premiums.
''8949. Preemption.
''8950. Studies, reports, and audits.
''8951. Jurisdiction of courts.
''8952. Administrative functions.

**''§ 8941. Definitions**

''In this chapter:

''(1) The term 'employee' means an employee, as defined by section 8901(1).

''(2) The terms 'annuitant', 'member of family', and 'dependent' have the meanings given such terms by section 8901.

''(3) The term 'eligible individual' refers to an individual described in paragraph (1) or (2), without regard to whether the individual is enrolled in a health benefits plan under chapter 89.

''(4) The term 'Office' means the Office of Personnel Management.

''(5) The term 'qualified company' means a company (or consortium of companies) that offers indemnity, preferred provider organization, health maintenance organization, or discount vision programs, and, if required, is licensed to issue applicable coverage in any number of States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(6) The term 'employee organization' means an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under chapter 89.

''(7) The term 'State' includes the District of Columbia.

**''§ 8942. Availability of vision benefits**

''(a) The Office shall establish and administer a program through which an eligible individual may obtain vision coverage to supplement coverage available through chapter 89.

''(b) The Office shall determine, in the exercise of its reasonable discretion, the financial requirements for qualified companies to participate in the program.

''(c) Nothing in this chapter shall be construed to prohibit the availability of vision benefits provided by health benefits plans under chapter 89.

**''§ 8943. Contracting authority**

''(a)(1) The Office shall contract with a reasonable number of qualified companies for a policy or policies of benefits described under section 8944, without regard to section 5 of title 41 or any other statute requiring competitive bidding. An employee organization may contract with a qualified company for the purpose of participating with that qualified company in any contract between the Office and that qualified company.

''(2) The Office shall ensure that each resulting contract is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) Each contract under this section shall contain—

''(1) the requirements under section 8902 (d), (f), and (i) made applicable to contracts under this section by regulations prescribed by the Office;

''(2) the terms of the enrollment period; and

''(3) such other terms and conditions as may be mutually agreed to by the Office and the qualified company involved, consistent with the requirements of this chapter and regulations prescribed by the Office.

''(c) Nothing in this chapter shall, in the case of an individual electing vision supplemental benefit coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of waiting periods more stringent than those that would have applied if that opportunity had not yet expired.

''(d)(1) Each contract under this chapter shall require the qualified company to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for 1 or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the qualified company.

''(2) A determination by a qualified company as to whether or not a particular individual is eligible to obtain coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable contract.

''(3) For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a qualified company and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(e) Nothing in this section shall be considered to grant authority for the Office or third-party reviewer to change the terms of any contract under this chapter.

''(f) Contracts under this chapter shall be for a uniform term of 7 years and may not be renewed automatically.

**''§ 8944. Benefits**

''(a) The Office may prescribe reasonable minimum standards for enhanced vision benefits plans offered under this chapter and for qualified companies offering the plans.

''(b) Each contract may include more than 1 level of benefits that shall be made available to all eligible individuals.

''(c) The benefits to be provided under enhanced vision benefits plans under this chapter may be of the following types:

''(1) Diagnostic (to include refractive services).

''(2) Preventive.

''(3) Eyewear.

''(d) A contract approved under this chapter shall require the qualified company to cover the geographic service delivery specified by the Office. The Office shall require qualified companies to include underserved areas (with respect to vision services) in their service delivery areas.

''(e) If an individual has vision coverage under a health benefits plan under chapter 89 and also has coverage under a plan under this chapter, the health benefits plan under chapter 89 shall be the first payor of any benefit payments.

**''§ 8945. Information to individuals eligible to enroll**

''(a) The qualified companies, at the direction and with the approval of the Office, shall make available to each individual eligible to enroll in a vision benefits plan information on services and benefits (including maximums, limitations, and exclusions) that the Office considers necessary to enable the individual to make an informed decision about electing coverage.

''(b) The Office shall make available to each individual eligible to enroll in a vision benefits plan, information on services and benefits provided by qualified companies participating under chapter 89.

**''§ 8946. Election of coverage**

''(a) An eligible individual may enroll in a vision benefits plan for self-only, self plus one, or for self and family. If an eligible individual has a spouse who is also eligible to enroll, either spouse, but not both, may enroll for self plus one or self and family. An individual may not be enrolled both as an employee, annuitant, or other individual eligible to enroll and as a member of the family.

''(b) The Office shall prescribe regulations under which—

''(1) an eligible individual may enroll in a vision benefits plan; and

''(2) an enrolled individual may change the self-only, self plus one, or self and family coverage of that individual.

''(c)(1) Regulations under subsection (b) shall permit an eligible individual to cancel or transfer the enrollment of that individual to another vision benefits plan—

''(A) before the start of any contract term in which there is a change in rates charged or benefits provided, in which a new plan is offered, or in which an existing plan is terminated; or

''(B) during other times and under other circumstances specified by the Office.

''(2) A transfer under paragraph (1) shall be subject to waiting periods provided under a new plan.

**''§ 8947. Coverage of restored survivor or disability annuitants**

''A surviving spouse, disability annuitant, or surviving child whose annuity is terminated and later restored may continue enrollment in a vision benefits plan, subject to the terms and conditions prescribed in regulations issued by the Office.

**''§ 8948. Premiums**

''(a) Each eligible individual obtaining supplemental vision coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) The Office shall prescribe regulations specifying the terms and conditions under which individuals are required to pay the premiums for enrollment.

''(c) The amount necessary to pay the premiums for enrollment may—

''(1) in the case of an employee, be withheld from the pay of such an employee; and

''(2) in the case of an annuitant, be withheld from the annuity of such an annuitant.

''(d) All amounts withheld under this section shall be paid directly to the qualified company.

''(e) Each participating qualified company shall maintain accounting records that contain such information and reports as the Office may require.

''(f)(1) The Employees Health Benefits Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office in administering this chapter before the first day of the first contract period, including reasonable implementation costs.

''(2)(A) There is established in the Employees Health Benefits Fund a Vision Benefits Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the first contract year.

''(B) A contract under this chapter shall include appropriate provisions under which the qualified company involved shall, during each year, make such periodic contributions to the Vision Benefits Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year are defrayed.

**''§ 8949. Preemption**

''The terms of any contract that relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to vision benefits, insurance, plans, or contracts.

**''§ 8950. Studies, reports, and audits**

''(a) Each contract shall contain provisions requiring the qualified company—

''(1) to furnish such reasonable reports as the Office determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the Government Accountability Office to examine such records of the qualified company as may be necessary to carry out the purposes of this chapter.

''(b) Each Government agency shall keep such records, make such certifications, and furnish the Office, the qualified company, or both, with such information and reports as the Office may require.

''(c) The Office shall conduct periodic reviews of plans under this chapter, including a comparison of the vision benefits available under chapter 89, to ensure the competitiveness of plans under this chapter. The Office shall cooperate with the Government Accountability Office to provide periodic evaluations of the program.

**''§ 8951. Jurisdiction of courts**

''The district courts of the United States have original jurisdiction, concurrent with the United States Court of Federal Claims, of a civil action or claim against the United States under this chapter after such administrative remedies as required under section 8943(d) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

**''§ 8952. Administrative functions**

''(a) The Office shall prescribe regulations to carry out this chapter. The regulations may exclude an employee on the basis of the nature and type of employment or conditions pertaining to it.

''(b) The Office shall, as appropriate, provide for coordinated enrollment, promotion, and education efforts as appropriate in consultation with each qualified company. The information under this subsection shall include information relating to the vision benefits available under chapter 89, including the advantages and disadvantages of obtaining additional coverage under this chapter.''.

**SEC. 4. TECHNICAL AND CONFORMING AMENDMENT.**

The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 89 the following:

''89A. Enhanced Dental Benefits ..... 8921
''89B. Enhanced Vision Benefits ..... 8941''.

**SEC. 5. APPLICATION TO POSTAL SERVICE EMPLOYEES.**

Section 1005(f) of title 39, United States Code, is amended in the second sentence by striking ''chapters 87 and 89'' and inserting ''chapters 87, 89, 89A, and 89B''.

**SEC. 6. SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds that—

(1) oral and vision health and general health and well-being are inseparable, and access to dental and vision services is an essential factor in maintaining good health;

(2) Federal employees and their families deserve and desire additional coverage options and place value on maintaining good oral and vision health; and

(3) it is in the interest of the Federal Government to remain competitive in attracting and retaining highly skilled employees and taking reasonable steps to ensure the health and well-being of its employees.

(b) SENSE OF CONGRESS.—It is the sense of Congress that health insurance benefits available to Federal employees should be sufficient to promote the health and productivity of all Federal workers and to support the recruitment and retention of a highly

qualified workforce. To help achieve these goals, Congress should evaluate the supplemental plans established under the this Act to determine the options for and feasibility of providing an employer contribution.

**SEC. 7. REQUIREMENT TO STUDY HEALTH BENEFITS COVERAGE FOR DEPENDENT CHILDREN WHO ARE FULL-TIME STUDENTS.**

Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby benefits under chapter 89 of title 5, United States Code, could be made available to an unmarried dependent child under 25 years of age who is enrolled as a full-time student at an institution of higher education, as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

**SEC. 8. HEARING BENEFITS REPORTING REQUIREMENT.**

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report describing and evaluating options whereby additional hearing benefits could be made available to—

(1) Federal employees and annuitants;

(2) qualified relatives of Federal employees and annuitants; and

(3) other appropriate classes of individuals.

(b) REQUIRED CONTENT.—The report shall include—

(1) a description of the hearing benefits currently available under the Federal employees health benefits program;

(2) a description of any hearing plans currently offered by carriers participating in the Federal employees health benefits program;

(3) a description of specific hearing benefits that could be offered in addition to those described in paragraphs (1) and (2), including any maximums, limitations, exclusions, and definitions that might be relevant;

(4) a description of the specific classes of individuals (as referred to generally in paragraphs (1) through (3) of subsection (a)) to whom those additional benefits should be made available, including any definitions and other terms or conditions that might be relevant;

(5) a description and assessment of the various contracting arrangements by which the Government could make those additional benefits available, including whether such benefits should be contracted for on a regional or national basis;

(6) the estimated cost of those additional benefits, including an analysis relating to whether any regular Government contributions or allocation for start-up costs might be necessary or appropriate;

(7) a description of how those additional benefits could be made available through—

(A) the Federal employees health benefits program;

(B) one or more plans outside the Federal employees health benefits program, including supplemental plans referred to in paragraph (2);

(C) the program described in subparagraph (A) in combination with one or more of the plans described in subparagraph (B); and

(D) any other hearing coverage delivery method;

(8) an analysis of the advantages and disadvantages associated with the alternatives described under paragraph (7), including—

(A) the relative cost effectiveness and efficiency of each;

(B) the likely impact of each alternative on the overall attractiveness of the Federal employees health benefits program to individuals eligible to enroll, particularly Federal employees and annuitants; and

(C) the extent to which each alternative might affect the relative competitiveness of the various carriers and plans currently participating in the Federal employees health benefits program (including as a provider of supplemental benefits);

(9) a recommendation from the Office as to its preferred method or methods for providing those additional benefits; and

(10) any proposed legislation or other measures the Office considers necessary in order to implement any of the foregoing.

**SEC. 9. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect in any year beginning after December 31, 2005.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in strong support of H.R. 5295.

Earlier this year, the House passed H.R. 3751, legislation authored by Representative JO ANN DAVIS, instructing the Office of Personnel Management (OPM) to conduct a study to determine how best to include dental vision and hearing benefits in the Federal Employees Health Benefits Program, the FEHBP. The bill now before us takes an important step forward in this effort to establish a voluntary program under which federal employees and annuitants may purchase dental and vision insurance as part of the FEHBP.

It was expertly crafted by the Senator from Maine, Ms. COLLINS, and follows the design of the current Long-Term Care Insurance Program. In addition, this legislation also includes an important provision from H.R. 3751. This provision, offered by Ranking Member of the Civil Service Subcommittee, Mr. DAVIS, retains the direction to OPM to conduct a study on how best to provide hearing benefits in the FEHBP.

The FEHBP is one of the Federal Government's most important tools as we seek to recruit and retain the best federal workforce that this country has to offer. It covers over 8.6 million individuals, including 2.2 million federal and postal employees, 1.9 million federal annuitants, and 4.5 million dependents; and offers the widest selection of health plans in the country, enabling enrollees to compare the costs, benefits, and features of different plans. However, this program will not remain a model for excellence in employer-provided healthcare coverage unless we continue to explore avenues to enhance the care and choice provided.

Minimal dental and vision benefits are available in the FEHBP because over 15 years ago, OPM stopped allowing plans to add new dental and vision packages or to increase packages they already had in place. The fact is that the FEHBP has not kept pace in these areas, as an overwhelming majority of private-sector plans provide dental and vision coverage. In addition, there has been a groundswell among federal employees and annuitants through numerous surveys and focus groups on this issue—more than any other benefit, they want better coverage for dental and vision care. That will change with the passage of this important legislation.

I commend the sponsor of this legislation, Mr. MURPHY, for his dedication on issues important to our Nation's civil servants. I look forward to working with him and all members as we provide comprehensive, high-quality, affordable healthcare through the FEHBP, and serve as a model for improving the performance of the U.S. health system as a whole.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong support of H.R. 5295, the Federal Employees Dental and Vision Benefits Enhancement Act of 2004 and am proud to be a co-sponsor of this bill.

As ranking member of the Legislative Branch Appropriations Subcommittee, I was pleased to initiate efforts to establish a similar benefit for Members and congressional staff with House passage of the Fiscal 2005 Legislative Branch Appropriations Act (H.R. 4755).

Combined, these two initiatives represent one of the most significant changes to health benefits under the Federal Employees Health Benefits Plan in recent years.

The Federal Employees Dental and Vision Benefits Enhancement Act would establish a voluntary program under which Federal employees, retirees and annuitants may purchase supplemental dental and vision coverage.

The legislation grants the Office of Personnel Management (OPM) the authority to select the appropriate combination of nationwide and regional companies and a variety of benefit packages to meet the diverse needs of our Federal employee, retiree, and annuitant population.

Greater access to dental and vision care is an area where major improvement is needed and should be an essential component to any comprehensive health care strategy. Many Federal employees whom I hear from tell me that their greatest health care expenditures go towards dental and vision care. Federal employees need and deserve increased access to dental and vision benefits.

FEHBP has long been regarded as a model health care program. I am confident that with the addition of a supplementary dental and vision coverage program, the Federal government will set an example for other employers to expand their health care offerings to include dental and vision coverage for their employees.

Additionally, I believe this new benefit will serve as a recruitment tool for the Federal government in attracting and keeping the best and the brightest in the government.

Mr. Speaker, I thank Chairman DAVIS on the Government Reform Committee for moving this important legislation and strongly support its adoption.

Mr. WOLF. Mr. Speaker, I rise today as a co-sponsor and in strong support for this legislation offered by Representative MURPHY. I have often heard from my constitutents who are federal employees that while they are pleased with their health benefits, they are frustrated that coverage for dental and vision are lacking.

This legislation would change this, by making dental and vision benefits available to federal employees. It is necessary to make sure that our federal employees have access to these two vital benefits.

Dental and vision related expenses can be very costly. Today we have the chance to help our federal employees, who serve their nation everyday, manage these expenses.

Additionally, this bill would require the Office of Personnel Management to report to Congress about making benefits available for hearing aids and services.

In order to recruit and retain federal employees, it is necessary to provide them with a first class health care system. Many health plans for employees in the private sector include dental, vision, and hearing coverage. This bill will help federal employees enjoy a health care system that is on par with the private sector.

This bill is important to improve and expand the current health care available to federal employees, and will send an important signal that Congress and the American people continue to value the hard work and the health of those serving our government.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 7 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0210

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin) at 2 o'clock and 10 minutes a.m.

## HOUR OF MEETING ON SATURDAY, OCTOBER 9, 2004

Mr. CANTOR. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at noon on Saturday, October 9, 2004.

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

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 11 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0936

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 9 o'clock and 36 minutes a.m.

## REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–772) on the resolution (H. Res. 846) 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.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. KILPATRICK (at the request of Ms. PELOSI) for today after 7:00 p.m. and the balance of the week on account of personal reasons.

Mr. TAUZIN (at the request of Mr. DELAY) for October 7 and the balance of the week on account of medical reasons.

## ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 854. An act to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

H.R. 2828. An act to authorize the Secretary of the Interior to implement water supply technology and infrastructure programs aimed at increasing and diversifying domestic water resources.

H.R. 5122. An act 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.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 33.—An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites.

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. 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. 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.

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.

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 7, 2004, he presented to the President of the United States, for his approval, the following bills:

H.R. 4011. To promote human rights and freedom in the Democratic People's Republic of Korea, and for other purposes.

H.R. 4850. 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.

## ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 37 minutes a.m.), under its previous order, the House adjourned until today at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10260. A letter from the Executive Director, Commoditity Futures Trading Commission, transmitting the Commission's final rule — Foreign Futures and Foreign Options Transactions (RIN: 3038-AB45) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10261. A letter from the Executive Director, Commoditity Futures Trading Commission, transmitting the Commission's final rule — Collection of Claims Owed the United States Arising From Activities Under the Commission's Jurisdiction (RIN: 3038-AC03) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10262. A letter from the Executive Director, Commoditity Futures Trading Commission, transmitting the Department's final rule — Correction to Regional Office Information, Reference to Section 4D(2) and Criteria for CPO Registration Exemption — received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10263. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Importation of Wood Packaging Material [Docket No. 02-032-3] (RIN: 0579-AB48) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10264. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle; Import Requirements [Docket No. 03-081-2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10265. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's

final rule — Oriental Fruit Fly; Removal of Quarantined Area [Docket No. 02-130-3] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10266. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Regulated Areas [Docket No. 03-047-2] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10267. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Pine Shoot Beetle; Additions to Quarantined Areas [Docket No. 04-036-2] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10268. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Citrus Canker; Quarantined Areas [Docket No. 04-045-1] received September 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10269. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas [Docket No. 04-025-2] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10270. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Exemption for Shipments of Tree Run Citrus [Docket No. FV04-905-2 IFR] received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10271. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Mango Promotion, Research, and Information Order [Doc. No. FV-02-707-FR] (RIN: 0581-AC05) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10272. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegatable Programs, Department of Agriculture, transmitting the Department's final rule — Decreased Assessment Rates for Specified Marketing Orders [Docket No. FV04-922-1 IFR] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10273. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Winter Pears Grown in Oregon and Washington; Decrease of a Continuing Supplemental Assessment Rate for the Beurre d'Anjou Variety of Pears Grown in Oregon and Washington [Docket No. FV04-927-2 FR] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10274. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV04-993-2 FR] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10275. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Decreased Assessment Rates [Docket No. FV04-916/917-4 IFR] received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10276. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying the Procedures Used To Limit the Volume of Small Red Seedless Grapefruit Grown in Florida [Docket No. FV04-905-5 IFR] received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10277. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Decreased Assessment Rates [Docket No. FV04-920-2 IFR] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10278. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Revision of Reporting Requirements for Fresh Nectarines and Peaches [Docket No. FV04-916/917-03 FR] received September 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10279. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Increased Assessment Rate [Docket No. FV04-924-1 FR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10280. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Kiwifruit Grown in California; Relaxation of Pack and Container Requirements [Docket No. FV04-920-1 FR] received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10281. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Onions Grown in Certain Designated Counties in Idaho, and Malheur County Oregon; Increased Assessment Rate [Docket No. FV04-958-02 FR] received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10282. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV04-916/917-02 FIR] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10283. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California; Delay of the Effective Date for Aflatoxin, Size and Quality Requirements [Docket No. FV02-983-1 FR] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10284. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges and Grapefruit Grown in Lower Rio Grande Valley in Texas; Decreased Assessment Rate [Docket No. FV04-906-2 IFR] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10285. A letter from the Administrator, Agricultural Marketing Service, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule — Mandatory Country of Origin Labeling of Fish and Shellfish [No. LS-03-04] (RIN: 0581-AC26) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10286. A letter from the Administrator, Agricultural Marketing Service, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule — Livestock Mandatory Reporting; Amendment To Revise Lamb Reporting Definitions [Docket No. LS-01-08] (RIN: 0581-AB98) received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10287. A letter from the Administrator, Agricultural Marketing Service, Poultry Programs, Department of Agriculture, transmitting the Department's final rule — Regulations Governing the Inspection of Eggs [Docket No. PY-04-002] (RIN: 0581-AB74) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10288. A letter from the Director, Faith Based and Community Initiatives, Department of Agriculture, transmitting the Department's final rule — Equal Opportunity for Religious Organizations (RIN: 0503-AA27) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10289. A letter from the Acting Administrator, FSIS, Department of Agriculture, transmitting the Department's final rule — Beef or Pork with Barbeque Sauce; Revision of Standard [Docket No. 96-006F] (RIN: 0583-AC09) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10290. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Broadband Grant Program (RIN: 0572-AB94) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10291. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — Commom Crop Insurance Regulations; Processing Tomato Crop Insurance Provisions (RIN: 0563-AB90) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10292. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Blueberry Crop Insurance Provisions (RIN: 0563-AB76) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10293. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations, Pecan Revenue Crop Insurance Provisions (RIN: 0563-AB91) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10294. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Apple Crop Insurance Provisions (RIN: 0563-AB92) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10295. A letter from the RMA, Administrator, Department of Agriculture, transmitting the Department's final rule — General Administrative Regulations, Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations for the 2004 and Succeeding Crop Years; and the Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AB94) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10296. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Dimethenamid; Pesticide Tolerance [OPP-2004-0315; FRL-7680-1] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10297. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Penoxsulam, 2-(2,2-difluoroethoxy) -N- (5, 8-dimethoxy[1,2,4] triazolo [1,5-c] pyrimdin-2-yl) -6- (trifluoromethyl) benzenesulfonamide; Pesticide Tolerance [OPP-2004-0286; FRL-7678-6] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10298. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Citrate Esters; Exemption from the Requirement of a Tolerance [OPP-2004-0300; FRL-7677-6] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10299. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Carfentrazone-ethyl; Pesticide Tolerance [OPP-2004-0256; FRL-7678-9] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactofen; Pesticide Tolerance [OPP-2004-0293; FRL-7680-2] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Tebufenozide; Pesticide Tolerance [OPP-2004-0209; FRL-7680-9] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10302. A letter from the Chariman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Eligibility and Scope of Financing; Loan Policies and Operations; General Provisions; Credit and Related Services (RIN: 3052-AC06) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10303. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10304. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 03-02, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10305. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 98-05, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

10306. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Personal Services Contracts [DFARS Case 2003-D103] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10307. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition Plans — Corrosion Prevention and Mitigation [DFARS Case 2004-D004] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10308. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Definition of Terrorist Country [DFARS Case 2003-D098] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10309. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Changes [DFARS Case 2003-D099] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10310. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Quality Control of Aviation Critical Safety Items and Related Services [DFARS Case 2003-D101] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10311. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Indian Incentive Program [DFARS Case 2002-D033] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10312. A letter from the Alternate OSD FRLO, Department of Defense, transmitting the Department's final rule — TRICARE; Individual Case Management Program; Program for Persons with Disbilities; Extended Benefits for Disabled Family Members of Active Duty Service Members; Custodial Care (RIN: 0720-AA78) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10313. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General James T. Hill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

10314. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Captain Bruce E. MacDonald, United States Navy, to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10315. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Alfred G. Harms, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10316. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General David F. Melcher, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10317. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral Lewis W. Crenshaw, Jr., United States Navy, to wear the insignia of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10318. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Stepehen G. Wood, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10319. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General R. Steven Whitcomb, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10320. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Rear Admiral James K. Moran, United States Navy, to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10321. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General James N. Mattis, United States Marine Corps, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10322. A letter from the Princiapl Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Dennis R. Larsen, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10323. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Kevin C. Kiley, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10324. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Benjamin S. Griffin, United States Army, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10325. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General William M. Fraser III, United States Air Force, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10326. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting

Authorization of Major General James M. Dubik, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10327. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Major General Robert T. Dail, United States Army, to wear the insignia of the grade of lieutenant general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10328. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Lieutenant General Bruce A. Carlson, United States Air Force, to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10329. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting Authorization of Vice Admiral Kirkland H. Donald, United States Navy, to wear the insignia of the grade of admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10330. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10331. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Partnership Agreement — 8(a) Program [DFARS Case 2004-D015] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10332. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of eight officers to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

10333. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Gary H. Hughey, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

10334. A letter from the Army Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — Publication of Rules Affecting the Public (RIN: 0702-AA40-U) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10335. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Consolidation of Contract Requirements [DFARS Case 2003-D109] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10336. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Electronic Options for Transitting Certain Information Collection Responses to MARAD [Docket Number: MARAD-2003-16238] (RIN: 2133-AB64) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10337. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1208] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10338. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Rules of Practice for Hearings [Docket No. OP-1211] received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10339. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Availibility of Funds and Collection of Checks [Regulation CC; Docket No. R-1176] received July 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10340. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Program Assets and Other Related Issues [No. 2004-36] (RIN: 1550-AB79); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Reserve System [Regulations H and Y; Docket No. R-1162]; Federal Deposit Insurance Corporation (RIN: 3064-AC75) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10341. A letter from the Legal Counsel, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule — Community Development Financial Institutions Program (RIN: 1505-AA92) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10342. A letter from the Assistant General Counsel (Banking and Finance), Department of the Treasury, transmitting the Department's final rule — Terrorism Risk Insurance Program; Litigation Management (RIN: 1505-AB08) received July 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10343. A letter from the Senior Paralegal (Regulations), Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [No. 2004-42] (RIN: 1550-AB48) received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10344. A letter from the Director, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Fundamental Change in Asset Composition of a Bank [Docket No. 04-20] (RIN: 1557-AC11) received August 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10345. A letter from the Director, Legislative and Regulatory Activites Division, Department of the Treasury, transmitting the Department's final rule — Lending Limits Pilot Program [Docket No. 04-21] (RIN: 1557-AC83) received August 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10346. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Program Assets and Other Related Issues [No. 2004-36] (RIN: 1550-AB79); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Reserve System [Regulations H and Y; Docket No. R-1162]; Federal Deposit Insurance Corporation (RIN: 3064-AC75) received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10347. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-D-7559] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10348. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10349. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10350. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10351. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10352. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7843] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10353. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7835] received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10354. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Equal Participation of Faith-Based Organizations [Docket No. FR-4881-F-02] (RIN: 2501-AD03) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10355. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Suspension, Debarment, Limited Denial of Participation [Docket No. FR-4692-F-04] (RIN: 2501-AC81) received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10356. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Retention of Excess Income in the Section 236 Program [Docket No. FR-4689-F-02] (RIN: 2502-AH68) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10357. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S.

exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10358. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Risk-Based Capital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Program Assets and Other Related Issues [Docket No. 2004-36] (RIN: 1550-AB79); Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Reserve System [Regulations H and Y; Docket No. R- 1162]; Federal Deposit Insurance Corporation (RIN: 3064-AC75) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10359. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Registration of Federal Home Loan Bank Equity Securities [No. 2004-07] (RIN: 3069-AB22) received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10360. A letter from the Acting General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Health Savings Accounts — received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10361. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Investment in Exchangeable Collateralized Mortgage Obligations — received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10362. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Prohibition on the Use of Brokerage Commisisons to Finance Distribution [Release No. IC-26591; File No.S7-09-04] (RIN: 3235-AJ07) received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10363. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Investment Company Governance [Release No.IC-26520; File No.S7-03-04] (RIN: 3235-AJ05) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10364. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Short Sales [Release No. 34-50103; File No.S7-23-03] (RIN: 3235-AJ00) received July 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10365. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Proposed Rule Changes of Self-Regulatory Organizations [Release No. 34-50486; File No. S7-18-04] (RIN: 3235-AJ20) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10366. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Rule 15c3-3 Reserve Requirements for Margin Related to Security Futures Products [Release No. 34-50295; File No. S7-34-02] (RIN: 3235-AI61) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10367. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA26) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10368. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Rehabilitation Engineering Research Centers (RIN: 1820-ZA33) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10369. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research (RIN: 1820-ZA34) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10370. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research; Grants and Cooperative Agreements; Availability, etc.: Special Education and Rehabilitative Services--Rehabilitation Research and Training Centers Program (RIN: 1820-ZA-37) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10371. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Special Demonstration Programs--Model Demonstration Projects--Positive Psychology (RIN: 1820-ZA35) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10372. A letter from the Assistant Secretary, Office of Vocational and Adult Education, Department of Education, transmitting the Department's final rule — Native American Vocational and Technical Education Program — received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10373. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule — Special Demonstration Programs--Model Demonstration Projects--Positive Psychology (RIN: 1820-ZA35) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10374. A letter from the Assistant Secretary, ESBA, Department of Labor, transmitting the Department's final rule — Fiduciary Responsibility Under the Employee Retirement Income Security Act of 1974 Automatic Rollover Safe Harbor (RIN: 1210-AA92) received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10375. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Controlled Negative Pressure REDON Fit Testing Protocol [Docket No. H-049D] (RIN: 1218-AC05) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10376. A letter from the Director, OSHA Standards and Guidance, Department of Labor, transmitting the Department's final rule — Fire Protection in Shipyard Employment [Docket No. S-051] (RIN: 1218-AB51) received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10377. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10378. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10379. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10380. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Names and Addresses; Technical Amendment [Docket No. 2004N-0287] received September 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10381. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the Beta-Glucan Serological Assay [Docket No. 2004N-0370] received October 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10382. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule — Reporting of Information and Documents About Potential Defects [Docket No. NHTSA 2001-8677; Notice 12] (RIN: 2127-AJ41) received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10383. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Connecticut: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7817-9] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10384. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-7817-6] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10385. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Delaware: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7825-5] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10386. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7825-8] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10387. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks [OGC-2004-0004; FRL-7826-2] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10388. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; New Jersey [Region II Docket No. R02-OAR-2004-NJ-0003, FRL-7818-4] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10389. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgaton of Air Quality Implementation Plans; Iowa Update to Materials Incorporated by Reference [IA-191-1191; FRL-7812-5] received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10390. A letter from the Legal Advisor to 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 (Jamestown, North Dakota) [MM Docket No. 00-127; RM-9894] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10391. 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 (Gunnison, Crawford, and Olathe, Breckenridge, Eagle, Fort Morgan, Greenwood Village, Loveland, and Strasburg, Colorado, and Laramie, Wyoming) [MB Docket No.03-144; RM-10733; RM-10788; RM-10789] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10392. A letter from the Legal Adv./Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — Extending Wireless Telecommunications Services to Tribal Lands [WT Docket No. 99-266] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10393. A letter from the Legal Adv./Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — Public Mobile Services [WT Docket No. 97-112, CC Docket No. 90-6; FCC 03-130] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10394. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion To Digital Television [MB Docket No.03-15; RM-9832] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10395. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — 2000 Biennial Review — Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers [CC Docket No. 00-257] Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 [CC Docket No. 94-129] Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers — received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10396. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 101 of the Commission's Rules to Streamline Processing of Microwave Applications in the Wireless Telecommunications Services [WT Docket No. 00-19] Telecommunications Industry Association Petition for Rulemaking [RM-9418] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10397. A letter from the Deputy Bureau Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 1, Subpart N of the Commission's Rules Concerning Non-Discrimination on the Basis of Disability in the Commission's Programs and Activities — received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10398. A letter from the Attorney, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Telecommunications Act of 1996 [CC Docket No. 96-115]; Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information — received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10399. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.17 of the Commission's Rules Concerning Truthful Statements to the Commission [GC Docket No. 02-37] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10400. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — The Establishment of Policies and Service Rules for the Non-Geostationary Satellite Orbit, Fixed Satellite Service in the Ka-Band [IB Docket No. 02-19] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10401. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Turkey for defense articles and services (Transmittal No. 05-11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10402. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination and certification for Fiscal Year 2005 concerning Argentina's and Brazil's Ineligibility Under Section 102 (a)(2) of the Arms Export Control Act, pursuant to 22 U.S.C. 2799aa—2; to the Committee on International Relations.

10403. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to The United Kingdom, France, Morocco, Spain, Sweden, Belgium, Canada, The Czech Republic, Denmark, Germany, Greece, Hungary, Iceland, Italy, Luxembourg, The Netherlands, Norway, Poland, Portugal, Turkey, Australia, and Ireland (Transmittal No. DDTC 042-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10404. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10405. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 62(a) of the Arms Export Control Act (AECA), Transmittal No. 06-04, concerning the Office of the Assistant Secretary of Defense's proposed lease of defense articles to the Government of Armenia; to the Committee on International Relations.

10406. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 62(a) of the Arms Export Control Act (AECA), Transmittal No. 07-04, concnering the Office of the Assistant Secretary of Defense's proposed lease of defense articles to the Government of Azerbaijan; to the Committee on International Relations.

10407. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Zimbabwe Sanctions Regulations — received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10408. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Implementation of Executive Order 13315 with Respect to Iraq; General License No. 1 — received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10409. A letter from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Rough Diamonds Control Regulations — received September 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10410. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revocation of General Order No. 3 which imposed license requirements on Shaykh Hamad bin Ali bin Jaber Al-Thani and entities related to or controlled by him [Docket No. 040618189] (RIN: 0694-AD21) received July 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10411. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions of Export Licensing Jurisdiction of Certain Types of Energetic Material and Other Chemicals Based on Review of the United States Munitions List [Docket No. 031202303-3303-01] (RIN: 0694-AC75) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10412. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Nomenclature Change: References to Another Agency [Docket No. 040920270-4270-01] (RIN: 0694-AD13) received October 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10413. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes,'' pursuant to Public Law 103—236, section 527(f); to the Committee on International Relations.

10414. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Schedule of Fees for Consular Services; Exemption from the Nonimmigrant

Visa Application Processing Fee for Family Members of Individuals Killed or Critically Injured While Serving the United States (RIN: 1400-AB95) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10415. A letter from the Director of Finance and Administration, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2003, as well as the non-audited financial statements for 2004, prepared as requested using the guidance published in the OMB Bulletin No. 01-09, pursuant to Public Law 106—554, section 382L. (114 Stat. 2763A–280); to the Committee on Government Reform.

10416. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule — Amendment to the Age Search Fee Structure [Docket No. 040408109-4209-02] (RIN: 0607-AA41) received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10417. A letter from the Acting Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's annual implementation report required by the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106–107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

10418. A letter from the Secretary, Department of Education, transmitting the Department's Annual Report on Grants Streamlining, pursuant to Public Law 106–107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

10419. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Annual Report on the Implementation of the Federal Financial Assistance Management Improvement Act of 1999, pursuant to Public Law 106–107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

10420. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Audit of Advisory Neighborhood Commission 7B for Fiscal Years 2001 Through 2004, as of June 30, 2004''; to the Committee on Government Reform.

10421. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, ''Effectiveness of the Special Nutrition and Commodities Distribution Program Was Hindered by Lax Management and Inadequate Oversight by Other Agencies''; to the Committee on Government Reform.

10422. A letter from the Acting Director, Office of Governmental Ethics, transmitting the Office's final rule — Revisions to the Certificates of Divestiture Regulation (RIN: 3209-AA00) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10423. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Premium Pay Limitations (RIN: 3206-AJ56) received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10424. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Health Benefits Children's Equity (RIN: 3206-AJ34) received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10425. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Locality-Based Comparability Payments (RIN: 3206-AK56) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10426. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Executive Performance and Accountability (RIN: 3206-AJ86) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10427. A letter from the Vice Chair, Election Assistance Commission, transmitting the Commission's final rule — Statement of Policy Regarding National Mail Voter Registration Form — received September 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

10428. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting the new FEC Form 13, Report of Donations Accepted for Inaugural Committee, Instructions for new FEC Form 13 and their Explanation and Justification; to the Committee on House Administration.

10429. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Presidential Inaugural Committee Reporting and Prohibition on Accepting Donations from Foreign Nationals [Notice 2004-13] received October 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

10430. A letter from the Coordinator, Forms Committee, Federal Election Committee, transmitting the new FEC Form 13, Report of Donations Accepted for Inaugural Committee, Instructions for new FEC Form 13 and their Explanation and Justification; to the Committee on House Administration.

10431. A letter from the Deputy Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule to Remove the Tinian Monarch from the Federal List of Endangered and Threatened Wildlife (RIN: 1018-AI14) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10432. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2004-05 Late Season (RIN: 1018-AT53) received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10433. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AT53) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10434. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AT53) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10435. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Accounting and Auditing Relief for Marginal Properties (RIN: 1010-AC30) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10436. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Ohio Regulatory Program [OH-248-FOR] received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10437. A letter from the Secretary, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska (RIN: 1018-AT58) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10438. A letter from the Deputy Assistant Secretary, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Klamath River and Columbia River Populations of Bull Trout (RIN: 1018-AI52) received October 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10439. A letter from the Acting Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, Department of Agriculture, transmitting the Department's final rule — Sawtooth National Recreation Area — Private Lands; Increasing Presidential Outbuilding Size (RIN: 0596-AC00) received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10440. 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 Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 072104A] received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10441. 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 Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Fishery for Illex Squid [Docket No. 031104274-4011-02; I.D. 091404I] received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10442. 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 Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 092204A] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10443. A letter from the Office of the Independent Counsel, transmitting the annual report on Audit and Investigative Activities and Management Control Systems, pursuant to 28 U.S.C. 595(a)(2); to the Committee on Government Reform.

10444. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule — Exemption from Import/Export Requirements for Personal Medical Use [Docket No.DEA-192F] (RIN: 1117-AA56) received September 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10445. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-AC13) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10446. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Revision of Patent

Fees for Fiscal Year 2005 [Docket No.2003-C-027] (RIN: 0651-AB70) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10447. A letter from the Acting Under Secretary and Acting Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Rules of Practice before the Board of Patenet Appeals and Interferences (RIN: 0651-AB32) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10448. A letter from the Acting Under Secretary and Acting Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Elimination of Credit Cards as Payment for Replenishing Deposit Accounts [Docket No.2004-C-032] (RIN: 0651-AB74) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10449. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — New Mailing Addresses for Paper Submissions of Trademark-Related Correspondance and Madrid Protocol Rules Change [Docket No.2004-T-037] (RIN: 0651-AB78) received September 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10450. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan [Docket No.: 2003-P-020] (RIN: 0651-AB64) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10451. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Waiver of Pixel Requirement for Drawings Filed Electronically [Docket No. 2004-T-046] (RIN: 0651-AB82) received October 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10452. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Civil Money Penalties Hearings; Maximum Penalty Amounts and Compliance With the Federal Civil Penalties Inflation Adjustment Act [Docket No. 2003N-0308] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10453. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Civil Money Penalties Hearings; Maximum Penalty Amounts and Compliance With the Federal Civil Penalties Inflation Adjustment Act; Correction [Docket No. 2003N-0308] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10454. A letter from the Director, Regulations and Forms Services, Department of Homeland Security, transmitting the Department's final rule — Extension of the Deadline for Certain Health Care Workers Required To Obtain Certain Certificates [CIS No.2320-04] (RIN:1615-AB28) received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10455. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Time Limit on Admission of Certain Mexican Nationals (RIN: 1651-AA60) received August 13, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10456. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Inmate Commissary Account Deposit Procedures [BOP Docket No. 1091-F] (RIN: 1120-AA86) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10457. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Over-the-Counter (OTC) Medications: Technical Correction [BOP-1129-I] (RIN: 1120-AB29) received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10458. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — National Instant Criminal Background Check System Regulation (RIN: 1110-AA07) received July 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10459. A letter from the General Counsel, Department of Justice, transmitting the Department's final rule — Executive Office for Immigration Review; Definitions; Fees; Powers and Authority of DHS Officers and Employees in Removal Proceedings [EOIR No. 139I; AG Order No. 2728-2004] (RIN: 1125-AA43) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10460. A letter from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Civil Penalties [Docket No.NHTSA-04-17571; Notice 2] (RIN: 2127-AJ32) received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10461. A letter from the Secretary, Department of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), 2005-09, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

10462. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River [CGD05-04-191] (RIN: 1625-AA00) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10463. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-04-123] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10464. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ [CGD05-04-160] (RIN: 1625-AA08) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10465. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Atlantic Ocean, Chesapeake & Delaware Canal, Delaware Bay, Delaware River and its tributaries [CGD05-04-047] (RIN: 1625-AA00) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10466. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Mandatory Ballast Water Management Program for U.S. Waters [USCG-2002-14273] (RIN: 1625-AA52) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10467. A letter from the Chief, Regulations and Adminsitrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Shipping and Transportation; Technical, Organizational and Conforming Amendments [USCG-2004-18884] (RIN: 1625-ZA03) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10468. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Suisun Bay, Concord, California [COTP San Francisco Bay 04-022] (RIN: 1625-AA87) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10469. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Chesapeake bay, Patapsco and Severn Rivers, MD [CGD05-04-135] (RIN: 1625-AA00) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10470. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Johns River, Jacksonville, FL [COTP Jacksonville 04-093] (RIN: 1625-AA00) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10471. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Francisco Bay, CA [COTP San Francisco Bay 04-025] (RIN: 1625-AA00) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10472. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Port Canaveral, FL [COTP Jacksonville 04-112] (RIN: 1625-AA00) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10473. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events, Strait Thunder Hydroplane Races, Port Angeles, WA [CGD13-04-039] (RIN: 1625-AA08) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10474. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-04-182] (RIN: 1625-AA08) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10475. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Willoughby Bay, Norfolk, VA [CGD05-04-184] (RIN: 1625-AA08) received October 6, 2004, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10476. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; John H. Kerr Reservoir, Clarksville, VA [CGD05-04-190] (RIN: 1625-AA08) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10477. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-04-116] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10478. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Merrimack River, MA [CGD01-04-122] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10479. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Annisquam River and Blynman Canal, MA [CGD01-04-121] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10480. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Delaware River, NJ [CGD05-04-166] (RIN: 1625-AA09) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10481. A letter from the Attorney-Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Trading Restrictions on Vessels Transferred To A Foreign Registry: Amendment of List of Prohibited Countries [Docket No. MARAD 2004-19030] (RIN: 2133-AB55) received September 10, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10482. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revised Allotment Formula for Interstate Monies Appropriated Under Section 106 of the Clean Water Act [OW-2004-0034; FRL-7825-2] received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10483. A letter from the Chief Scientist, National Aeronautics and Space Administration, transmitting the Administration's final rule — Investigation of Research Misconduct (RIN: 2700-AC50) received July 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10484. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Removal of MidRange Procurement Procedures (RIN: 2700-AD02) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10485. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Re-Issuance of NASA FAR Supplement Subchapter G (RIN: 2700-AC87) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10486. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Representations and Certifications — Other Than Commercial Items (RIN: 2700-AC97) received August 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10487. A letter from the Chief, Reg. Development Ofc. of Regulations Policy & Mgt, VA, Department of Veterans Affairs, transmitting the Department's final rule — Presumptions of Service Connection for Diseases Associated with Service Involving Dentention or Internment as a Prisoner of War (RIN: 2900-AM09) received Actober 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10488. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Sale and Issue of Marketable Treasury Bills, Notes, and Bonds: Six-Decimal Pricing, Negative-Yield Bidding, Zero-Filling, and Noncompetitive Bidding and Award Limit Increase [Department of the Treasury Circular, Public Debt Series No. 1-93] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10489. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — Regulations Governing Treasury Securities, New Treasury Direct System — received August 12, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10490. A letter from the Assistant Chief, Regulations and Procedures Division, TTB, Department of the Treasury, transmitting the Department's final rule — Establishment of the Red Hills Lake County Viticultural Area (2001R-330P) [T.D. TTB-15; Re: ATF Notice No. 961] (RIN: 1513-AA33) received July 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10491. A letter from the Acting Director Statutory Import Programs Staff, Department of Commerce, transmitting the Department's final rule — Changes in the Insular Possessions Watch, Watch Movement and Jewelry Programs [Docket No. 040609177-4224-02] (RIN: 0625-AA65) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10492. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Assets for Independence Demonstration Program: Status at the Conclusion of the Third and Fourth Years,'' pursuant to Public Law 105—285, section 414(d)(1); to the Committee on Ways and Means.

10493. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Continuation of Medicare Entitlement When Disability Benefit Entitlement Ends Because of Substantial Gainful Activity [CMS-4018-F] (RIN: 0938-AK94) received September 24, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10494. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Customs Broker License Examination Dates [C.B.P. Dec. No. 04-30] (RIN: 1651-AA46) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10495. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Merchandise Processing Fees Eligible to be Claimed as Certain Types of Drawback Based on Substitution of Finished Petroleum Derivatives [CBP Dec. 04-33] (RIN: 1505-AB44) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10496. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Extension of Port Limits of Chicago, Illinois [CPB Dec. 04-24] received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10497. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections to Customs and Border Protection Regulations [CBP Dec. 04-28] received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10498. A letter from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Patent Surveys [CBP Decision 04-29] (RIN: 1651-AA36) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10499. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Unemployment Insurance Program Letter No.30-04 SUTA Dumping-Amendments to Federal Law affecting the Federal-State Unemployment Compensation Program — received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10500. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — North American Free Trade Agreement — Transitional Adjustment Assistance Program: General Administration Letter Interpreting Federal Law — received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10501. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Alternative Trade Adjustment Assistance Program: Training and Employment Guidance Letter Interpreting Federal Law — received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10502. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Trade Adjustment Assistance Program: Training and Employment Guidance Letter Interpreting Federal Law — received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10503. A letter from the Administrator, General Services Administratino, transmitting informational copies of additional prospectuses in support of the General Services Administration's Fiscal Year 2005 Capital Investment and Leasing Program, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

10504. A letter from the Administrator, General Services Administration, transmitting informational copies of additional prospectuses in support of the General Services Administration's Fiscal Year 2005 Capital Investment and Leasing Program, pursuant to 19 U.S.C. 2213(b); to the Committee on Transportation and Infrastructure.

10505. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's

final rule — Rules and Regulations (Rev. Proc. 2004-61) received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10506. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Classification of Certain Foreign Entities [Notice 2004-68] received October 8, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10507. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-69] received October 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10508. A letter from the Acting Chief, Publications and Regulations Br., Internal Revenue Service, transmitting the Department's final rule — United States Internal Revenue Service v. Donald Snyder, 343 F.3d 1171 (9th Cir. 2003) received October 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10509. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Certain Reinsurance Arrangements [Notice 2004-65] received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10510. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of exemption from tax for small property and casualty insurance companies [Notice 2004-64] received September 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10511. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Offer to resolve issues arising from certain tax, withholding, and reporting obligations of U.S. withholding agents with respect to payments to foreign persons (Rev. Proc. 2004-59) received October 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10512. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction of Contributions to I.R.C. 401(k) Plans Attributable to Compensation Paid After Year End Under I.R.C. 404(a)(6) (Rev. Rul. 2002-46) received October 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10513. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1256 contracts marked to market (Rev. Rul. 2004-95) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10514. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-55) received August 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10515. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1256 contracts marked to market (Rev. Rul. 204-94) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10516. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2004-89) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10517. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Concerning Use of 2001 CSO Tables Under Section 7702 (Notice 2004-61) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10518. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2004-52) received August 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10519. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Nuclear Decommissioning Funds for Purpose of Allocating Purchase Price in Certain Deemed and Actual Asset Acquisitions [TD 9158] (RIN: 1545-BD59) received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10520. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Electronic Filing of Duplicate Forms 5472 [TD 9161] (RIN: 1545-BD03) received September 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10521. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous [Notice 2004-62] received September 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10522. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Place for Filing [TD 9156] (RIN: 1545-BB00) received September 20, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10523. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Settlement Guidelines Taxation of Universal Service Fees — received August 19, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10524. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments on Revenue Procedure for the Staggered Remedial Amendment Period System (Announcement 2004-71) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10525. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2004-70) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10526. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interest rates; underpayments and overpayments (Rev. Rul. 2004-92) received August 31, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10527. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Last-in, first-out inventories (Rev. Rul. 2004-93) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10528. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Returns Relating to Interest Payments on Qualified Education Loans (Notice 2004-63) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10529. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2004-96) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10530. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Federal Old-Age, Survivors and Disability Insurance; Coverage of Residents in the Commonwealth of the Northern Mariana Islands (CNMI); Coverage of Ministers, Members of the Clergy and Christian Science Practitioners [Regulation No. 4] (RIN: 0960-AG01) received August 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10531. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Filing Claims Under the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act (RIN: 0960-AF39) received August 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10532. A letter from the United States Trade Representative, transmitting consistent with section 2105(a)(1)(B) of the Trade Act of 2002, a description of the changes to existing laws that would be required to bring the United States into compliance with the trade agreements between the United States and five countries of Central America and the Dominican Republic; to the Committee on Ways and Means.

10533. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships (Phase II); Correcting Amendment [CMS-1810-IFC2] (RIN: 0938-AK67) received September 21, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10534. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Manufacturer Submission of Manufacturer's Average Sales Price (ASP) Data for Medicare Part B Drugs and Biologicals [CMS-1380-F] (RIN: 0938-AN05) received September 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

10535. A letter from the Administrator, General Services Administration, transmitting a draft bill ''To amend 40 U.S.C. 590 relative to child care services for Federal employees in Federal buildings''; jointly to the Committees on Government Reform and Transportation and Infrastructure.

10536. A letter from the Secretary, Department of Health and Human Services, transmitting the final report entitled, ''Evaluation of Medicare's Competitive Bidding Demonstration for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies,'' pursuant to Public Law 105—33, section 4319; jointly to the Committees on Ways and Means and Energy and Commerce.

10537. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Interest Calculation [CMS-6014-F] (RIN: 0938-AL14) received October 6, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

10538. A letter from the Secretary, Department of Energy, transmitting a draft bill ''To implement the Convention on Supplementary Compensation for Nuclear Damage, and for other purposes''; jointly to the Committees on Energy and Commerce, Science, Armed Services, and the Judiciary.

## 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. BARTON: Committee on Energy and Commerce. 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. 2). Referred to the House Calendar.

Mr. HUNTER: Committee of Conference. Report on H.R. 4200. A bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005, and for other purposes (Rept. 108–767). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 3826. A bill to require the review of Government programs at least once every 5 years for purposes of evaluating their performance; with an amendment (Rept. 108–768). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 843. Resolution waiving points of order against the 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. 108–769). Referred to the House Calendar.

Mr. BARTON: Committee on Energy and Commerce. H.R. 2699. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; with an amendment (Rept. 108–770). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee of Conference. Conference report on H.R. 1047. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes (Rept. 108–771). Ordered to be printed.

Mr. KNOLLENBERG: Committee of Conference. Conference report on H.R. 4837. A bill 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 (Rept. 108–773). Ordered to be printed.

*[October 9 (legislative day, October 8), 2004]*

Mr. SESSIONS: Committee on Rules. House Resolution 846. 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. 108–772). 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. SAM JOHNSON of Texas (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. PORTMAN, and Mr. ANDREWS):

H.R. 5290. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide a reasonable correction period for certain security and commodity transactions under the prohibited transaction rules; to the Committee on Education and the Workforce, and in addition to the Committee on 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. TURNER of Texas (for himself, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, and Mr. LANGEVIN):

H.R. 5291. A bill to win the war on terror; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Armed Services, International Relations, the Judiciary, Ways and Means, Intelligence (Permanent Select), Energy and Commerce, Government Reform, Science, and Homeland Security (Select), 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. GEORGE MILLER of California (for himself, Mr. HOEFFEL, Mr. PAYNE, Mr. GRIJALVA, Mr. OWENS, Mrs. MCCARTHY of New York, Mr. DOGGETT, Mr. BISHOP of New York, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. ANDREWS, Mr. KUCINICH, and Mr. TIERNEY):

H.R. 5292. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to limit the availability of benefits under an employer's nonqualified deferred compensation plans in the event that any of the employer's defined pension plans are subjected to a distress or PBGC termination in connection with bankruptcy reorganization or a conversion to a cash balance plan; to the Committee on Education and the Workforce, and in addition to the Committee on 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. JACKSON of Illinois:

H.R. 5293. A bill to require States to conduct general elections for Federal office using an instant runoff voting system, to direct the Election Assistance Commission to make grants to States to defray the costs of administering such systems, and for other purposes; to the Committee on House Administration.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Ms. NORTON):

H.R. 5294. A bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes; to the Committee on Transportation and Infrastructure. considered and passed.

By Mr. MURPHY (for himself, Mr. TOM DAVIS of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. HOYER, Mr. MORAN of Virginia, and Mr. WOLF):

H.R. 5295. A bill to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management, and for other purposes; to the Committee on Government Reform. considered and passed.

By Mr. MARKEY (for himself, Mr. EVANS, Mr. BACA, Mr. MCDERMOTT, Mr. HOEFFEL, Mr. DELAHUNT, Mr. MCGOVERN, Mr. FILNER, Mr. KILDEE, Ms. MAJETTE, Mr. TIERNEY, Mrs. MALONEY, Mr. GUTIERREZ, Mr. VAN HOLLEN, Mr. FRANK of Massachusetts, Mr. LARSEN of Washington, and Mr. WEXLER):

H.R. 5296. A bill to amend title 37, United States Code, to ensure that a member of the Armed Forces who is wounded or otherwise injured while serving in a combat zone will continue to receive certain special pays and allowances associated with such service, and will continue to receive the benefit of the combat zone tax exclusion associated with the pay and allowances of the member, while the member recovers from the wound or injury, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on 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. NEUGEBAUER:

H.R. 5297. A bill for the relief of the Big Spring Independent School District; to the Committee on Education and the Workforce.

By Mr. CANNON:

H.R. 5298. A bill to amend title 4, United States Code, to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Mr. BOUCHER):

H.R. 5299. A bill to amend title 35, United States Code, to modify certain procedures relating to patents; to the Committee on the Judiciary.

By Mr. GRAVES:

H.R. 5300. A bill to establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARTLETT of Maryland:

H.R. 5301. A bill to ensure that the right of an individual to display the flag of the United States on residential property not be abridged; to the Committee on Financial Services.

By Mr. BASS (for himself, Mr. UPTON, and Mr. BRADLEY of New Hampshire):

H.R. 5302. A bill to promote the purchase of renewable energy systems, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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. BURNS:

H.R. 5303. A bill to provide for the establishment of a Department of Veterans Affairs Community-Based Outpatient Clinic

(CBOC) for veterans on the grounds of the Navy Supply Corps School in Athens, Georgia; to the Committee on Veterans' Affairs.

By Mrs. CAPITO:

H.R. 5304. A bill to establish a memorial for 40 fallen American servicemen who perished in the tragic air crash during World War II at Bakers Creek, Australia on June 14, 1943; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and Resources, 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. CAPUANO (for himself and Mrs. BONO):

H.R. 5305. A bill to require automobile dealers to disclose to consumers the presence of Event Data Recorders, or ''black boxes'' on new automobiles, and to require manufacturers to provide the consumer with the option to enable and disable such devices on future automobiles; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 5306. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for cancer drugs, and to amend title 35, United States Code, to provide for the extension of the patent term on such drugs equal to the regulatory review period for such drugs; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. COSTELLO (for himself, Mr. SHIMKUS, Mrs. EMERSON, and Mr. GEPHARDT):

H.R. 5307. A bill to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month; to the Committee on Resources.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. RAHALL, Mr. WHITFIELD, Mrs. CAPITO, Ms. HART, Mr. BOUCHER, Mr. HOLDEN, and Mr. LAHOOD):

H.R. 5308. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to modify requirements relating to transfers from the Abandoned Mine Reclamation Fund, and for other purposes; to the Committee on Resources.

By Mr. COSTELLO:

H.R. 5309. A bill to extend the filing deadline for certain Medicare claims to account for a delay in processing adjustments from secondary payor status to primary payor status; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. CRENSHAW:

H.R. 5310. A bill to establish a National Commission on the Quincentennial of the discovery of Florida by Ponce de Leon; to the Committee on Government Reform.

By Mr. CUMMINGS:

H.R. 5311. A bill to amend title XVIII of the Social Security Act to provide whistleblower protection to employees of clinical laboratories who furnish services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on 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 Ms. ESHOO (for herself, Mr. ACKERMAN, Mr. ANDREWS, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KLECZKA, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. RANGEL, Mr. ROTHMAN, Mr. RUSH, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN):

H.R. 5312. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as Ancient forests, roadless areas, watershed protection areas, and special areas where logging and other intrusive activities are prohibited; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. EVERETT:

H.R. 5313. A bill to require the advance disclosure to shareholders of certain executive pension plans; to the Committee on Financial Services.

By Mr. FILNER (for himself, Ms. MILLENDER-MCDONALD, Ms. CARSON of Indiana, and Mr. SANDLIN):

H.R. 5314. A bill to amend title 49, United States Code, to require motor carriers to comply with vehicle emission performance standards established by the Environmental Protection Agency, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GUTIERREZ (for himself, Mr. FRANK of Massachusetts, Mr. MENENDEZ, Mr. HINOJOSA, Mr. RODRIGUEZ, Ms. WATERS, Ms. LEE, Mrs. MALONEY, Mr. GONZALEZ, Mr. ACEVEDO-VILA, Mr. GRIJALVA, Mr. SERRANO, Ms. ROYBAL-ALLARD, Ms. SOLIS, Mrs. NAPOLITANO, Mr. TOWNS, Mr. BELL, and Mr. MEEKS of New York):

H.R. 5315. A bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, 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. HASTINGS of Florida (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RUSH, Mr. TOWNS, Mrs. CHRISTENSEN, and Mr. DEUTSCH):

H.R. 5316. A bill to designate Haiti, Grenada, and the Cayman Islands under section 244 of the Immigration and Nationality Act in order to make nationals of those countries eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 5317. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for the donation of blood; to the Committee on Ways and Means.

By Ms. HERSETH (for herself and Mr. RENZI):

H.R. 5318. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Ms. HERSETH:

H.R. 5319. A bill to provide incentives for investment in renewable energy facilities; to the Committee on Ways and Means.

By Mr. HOLT (for himself, Mr. SAXTON, Mr. PAYNE, Mr. FERGUSON, Mr. FROST, and Mr. PALLONE):

H.R. 5320. A bill to amend title XIX of the Social Security Act to require staff working with developmentally disabled individuals to call emergency services in the event of a life-threatening situation; to the Committee on Energy and Commerce.

By Mr. HONDA (for himself, Mr. PAYNE, and Mr. ROYCE):

H.R. 5321. A bill to urge the Government of Ethiopia to hold orderly, peaceful, and free and fair national elections in May 2005 and to authorize United States assistance for elections-related activities to monitor the Ethiopian national elections; to the Committee on International Relations.

By Mr. KENNEDY of Rhode Island (for himself, Ms. ROYBAL-ALLARD, Mr. FARR, and Mrs. MCCARTHY of New York):

H.R. 5322. A bill to amend title IV of the Public Health Service Act to establish a loan repayment program for nurse practitioners and physician assistants serving in underserved nursing homes, to establish a mentoring program for training nursing home administrators, to encourage high family involvement in nursing homes, and to amend title XIX of the Social Security Act to restore payment levels for health care institutions and to increase the Federal medical assistance percentage; to the Committee on Energy and Commerce.

By Mr. LEWIS of Kentucky:

H.R. 5323. 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 safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself and Mrs. CAPPS):

H.R. 5324. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 5325. A bill to amend title 49, United States Code, to establish a deadline for the screening of all individuals, goods, property,

vehicles, and other equipment entering a secure area of an airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 5326. A bill to provide additional security for nuclear facilities under certain circumstances; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 5327. A bill to amend the Internal Revenue Code of 1986 to provide an increased exclusion of gain from the sale of a principal residence by certain widows and widowers; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mrs. TAUSCHER, Ms. WATSON, and Mr. TOWNS):

H.R. 5328. A bill to provide additional funding to prevent sexual assaults in the military; to the Committee on Armed Services.

By Mrs. MALONEY (for herself, Mr. BISHOP of New York, Mr. SHAYS, Mr. SERRANO, Mr. MCINTYRE, Mr. MCDERMOTT, and Ms. SCHAKOWSKY):

H.R. 5329. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, 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. MATHESON (for himself and Mr. CANNON):

H.R. 5330. A bill to authorize and direct the exchange of lands in Grand and Uintah Counties, Utah, and for other purposes; to the Committee on Resources.

By Mrs. MCCARTHY of New York:

H.R. 5331. A bill to amend part B of title XVIII of the Social Security Act to repeal the reduction in Medicare payment through competitive bidding for certain items of durable medical equipment; to the Committee on Energy and Commerce, and in addition to the Committee on 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. MEEHAN:

H.R. 5332. A bill to provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, 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. MILLER of Florida:

H.R. 5333. A bill to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL-95P in Walton County, Florida; to the Committee on Resources.

By Mr. GARY G. MILLER of California:

H.R. 5334. A bill to suspend temporarily the duty on Dichloroethyl Ether; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mrs. JONES of Ohio, Ms. SLAUGHTER, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. MARKEY, Ms. SCHAKOWSKY, Ms. SOLIS, Ms. MCCARTHY of Missouri, Mr. CLYBURN, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Ms. ROYBAL-ALLARD, Mr. SERRANO, Mrs. MALONEY, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. KUCINICH, Ms. MCCOLLUM, Mr. KILDEE, Ms. BALDWIN, Mr. OWENS, Mrs. CHRISTENSEN, Mr. MORAN of Virginia, Mr. GRIJALVA, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. GONZALEZ, and Mr. TIERNEY):

H.R. 5335. A bill to amend the Public Health Service Act to establish a Coordinated Environmental Health Network, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROHRABACHER:

H.R. 5336. A bill to provide for a prize program to encourage development of space and aeronautics technologies and establish an endowment to further educate and inspire the public's interest in space and aeronautics; to the Committee on Science.

By Ms. ROS-LEHTINEN:

H.R. 5337. A bill to amend title 18, United States Code, to prohibit members of Congress from entering into any agreement with any foreign person or any commercial entity for the purpose of influencing or seeking a change in a law or regulation of the United States that would ease any restriction on a state sponsor of terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, 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. RUSH:

H.R. 5338. A bill to reduce health care disparities and improve health care quality, to improve the collection of racial, ethnic, primary language, and socio-economic determination data for use by healthcare researchers and policymakers, to provide performance incentives for high performing hospitals and community health centers, and to expand current Federal programs seeking to eliminate health disparities; to the Committee on Energy and Commerce, and in addition to the Committee on 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 Ms. LINDA T. SANCHEZ of California (for herself, Mr. MENENDEZ, Ms. LORETTA SANCHEZ of California, Mr. ACEVEDO-VILA, Mr. REYES, Mr. GRIJALVA, Mr. SERRANO, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. PASTOR, and Ms. ROYBAL-ALLARD):

H.R. 5339. A bill to authorize increased funding for research at the National Institutes of Health relating to Alzheimer's disease, to amend the Public Health Service Act to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY:

H.R. 5340. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Ways and Means, and in addition to the Committee on 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. SHADEGG (for himself and Mr. NETHERCUTT):

H.R. 5341. A bill to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself, Mr. ENGEL, and Mr. CARDOZA):

H.R. 5342. A bill to establish a grant program to fund eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 5343. A bill to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate certain lands in the Challis National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management as the Boulder-White Cloud Management Area to ensure the continued management of these lands for recreational use as well as for conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Ms. SOLIS (for herself, Mr. STUPAK, Mr. DINGELL, and Mrs. CAPPS):

H.R. 5344. A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself, Mr. WAMP, Mr. OSE, and Mr. CASE):

H.R. 5345. A bill to authorize ''Meth Watch'' program grants; to the Committee on the Judiciary.

By Mr. SOUDER (for himself, Mr. SHADEGG, Mr. SESSIONS, Mr. NETHERCUTT, Mr. TOM DAVIS of Virginia, and Mr. MCHUGH):

H.R. 5346. A bill to direct the Secretary of Homeland Security to transfer to the Bureau of Immigration and Customs Enforcement all functions of the Customs Patrol Officers unit of the Bureau of Customs and Border Protection operating on the Tohono O'odham Indian reservation (commonly known as the ''Shadow Wolves'' unit), and for other purposes; to the Committee on Ways and Means.

By Mr. SOUDER (for himself, Mr. WAMP, Mr. CALVERT, and Mr. OSE):

H.R. 5347. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, 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. TAUZIN (for himself, Mr. VITTER, Mr. ALEXANDER, Mr. JOHN, Mr. BAKER, Mr. MCCRERY, and Mr. JEFFERSON):

H.R. 5348. A bill to establish the Atchafalaya National Heritage Area, Louisiana, and for other purposes; to the Committee on Resources.

By Mr. TERRY:

H.R. 5349. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, 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. UDALL of New Mexico:

H.R. 5350. A bill to amend the Public Health Service Act to authorize grants for the integration of innovative curricula on nutrition in medical education, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATSON:

H.R. 5351. A bill to establish the Office of Intellectual Property and Competition Policy in the Department of State; to the Committee on International Relations.

By Ms. WOOLSEY:

H.R. 5352. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; to the Committee on Resources.

By Mr. JACKSON of Illinois (for himself, Mr. CUMMINGS, and Mr. CONYERS):

H.J. Res. 109. A joint resolution proposing an amendment to the Constitution of the United States to provide for the direct election of the President and Vice President by the popular vote of all citizens of the United States regardless of place of residence; to the Committee on the Judiciary.

By Mr. HASTERT:

H.J. Res. 110. A joint resolution recognizing the 60th anniversary of the Battle of the Bulge during World War II; to the Committee on International Relations.

By Mr. HUNTER;

H. Con. Res. 514. A concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 4200; considered and agreed to.

By Ms. CORRINE BROWN of Florida (for herself, Mr. FATTAH, Mr. PAYNE, Mr. CONYERS, Ms. LEE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WATERS):

H. Con. Res. 515. Concurrent resolution expressing the sense of the Congress to support an increase in funds allocated to the Republic of Haiti and to expedite the delivery of emergency aid to the island nation because of the terrible destruction brought on by Hurricane Jeanne; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H. Con. Res. 516. Concurrent resolution congratulating Jimmy Haywood and Kenny Roy for setting world records in civil aviation history and commending youth aviation programs that encourage young minorities to enter the field of civil aviation; to the Committee on Transportation and Infrastructure.

By Mr. STENHOLM:

H. Con. Res. 517. Concurrent resolution recognizing the continuing legacy of the Buffalo Soldiers and expressing the sense of the Congress regarding the establishment of a Buffalo Soldiers Heritage Month; to the Committee on Armed Services.

By Mr. HUNTER:

H. Res. 842. A resolution requesting return of official papers on S. 1301; considered and agree to.

By Mrs. MYRICK:

H. Res. 843. A resolution waiving points of order against the 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 Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; considered and agreed to.

By Ms. HARRIS (for herself, Mr. BALLENGER, and Mr. CONYERS):

H. Res. 844. A resolution commending the people and the Government of the Republic of Guatemala for progress toward peace, democratization, and political and economic liberalization, and expressing the hope and support of the House of Representatives for the continuation of this progress; to the Committee on International Relations.

By Ms. PELOSI:

H. Res. 845. A resolution relating to a question of the privileges of the House; which was laid on the table.

By Mr. SESSIONS:

H. Res. 846. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules.

By Mr. BALLENGER (for himself, Mr. ISTOOK, and Mr. ROHRABACHER):

H. Res. 847. A resolution honoring the life of astronaut Leroy Gordon Cooper, Jr; to the Committee on Science.

By Mr. LARSON of Connecticut:

H. Res. 848. A resolution amending the Rules of the House of Representatives to make a technical correction on limitations on the use of the frank; to the Committee on Rules.

By Mr. MEEKS of New York (for himself, Mr. ALLEN, Mr. KUCINICH, Mr. HONDA, Mrs. JONES of Ohio, Ms. SLAUGHTER, Mr. BLUMENAUER, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MARKEY, Mr. FARR, and Ms. LEE):

H. Res. 849. A resolution congratulating Wangari Maathai for winning the Nobel Peace Prize and commending her for her tireless work to promote sustainable development, democracy, peace, and women's rights in Africa; to the Committee on International Relations.

By Mr. ROSS:

H. Res. 850. A resolution to express the sense of the House that the Federal Communications Commission should not enact rules authorizing Broadband Over Power Line Systems without a more comprehensive evaluation of the interference potential to Public Safety services and other licensed radio services; to the Committee on Energy and Commerce.

By Mr. SHERMAN (for himself and Mrs. MALONEY):

H. Res. 851. A resolution amending the Rules of the House of Representatives to prohibit any committee from sending more than 999 copies of any mass mailing to addresses within the same Congressional district, from sending any mass mailing to an address within a Congressional district if the mailing is postmarked fewer than 90 days immediately before the date of a House election in the district, and from sending any mass mailing as franked mail which does not meet the standards applicable to franked mail sent by elected officers of the House; to the Committee on Rules.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

454. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 65 expressing support for the resolutoin of the ongoing negotiations between the Soboba Band of Luiseno Indians, the Eastern Municipal Water District and the Lake Hemet Municipal Water District, the Metropolitan Water District of Southern California, and the United States Department of the Interior to reach a water and land settlement that is consistent with federal law, memorializing the United States Department of the Interior to give its full support to the settlement legislation, and memorializing the United States to the Committee on Resources.

455. Also, a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Senate Concurrent Resolution No. 107 consigning 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 national right to self-determination and sovereignty, and to initiate its organizational process; to the Committee on Resources.

456. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 63 memorializing the President and Congress of the United States to enact legislation to include State Highway Route 99 in the interstate highway system; to the Committee on Transportation and Infrastructure.

457. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 36 memorializing the President and Congress of the United States to support legislative action to immediately remove the discriminatory portion of Section 143(l)(4) of the Internal Revenue Code so that today's veterans and their families might enjoy the same benefits as their earlier counterparts; to the Committee on Ways and Means.

458. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 62 memorializing the California delegation of the United States Senate and House of Representatives to sponsor and support legislation to repeal any Medicare provision that would prohibit the federal government from negotiating fair drug prices as contained in a section of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108-173); jointly to the Committees on Energy and Commerce and Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 107: Mr. FILNER.

H.R. 236: Ms. BORDALLO, Mr. LARSEN of Washington, Ms. HERSETH, and Mr. BUTTERFIELD.

H.R. 290: Mr. WATT.

H.R. 610: Mr. RUPPERSBERGER.

H.R. 677: Mr. BOUCHER, Mr. CRANE, and Ms. HOOLEY of Oregon.

H.R. 814: Mr. FOSSELLA and Mr. BOEHLERT.

H.R. 839: Mr. STRICKLAND.

H.R. 997: Mr. ROYCE.

H.R. 1118: Mr. MCCOTTER.

H.R. 1268: Mr. HINCHEY.

H.R. 1305: Mr. TAYLOR of North Carolina.

H.R. 1459: Mr. ANDREWS.

H.R. 1500: Mr. HASTINGS of Florida.

H.R. 1555: Mr. FATTAH.

H.R. 1556: Mr. FATTAH.

H.R. 1563: Mr. PALLONE.

H.R. 1886: Mr. CHANDLER and Ms. KILPATRICK.

H.R. 2032: Mr. MICHAUD, Mr. SABO, and Ms. SOLIS.

H.R. 2101: Mrs. MCCARTHY of New York.

H.R. 2184: Mr. MEEHAN.

H.R. 2239: Mr. GORDON.

H.R. 2268: Mr. BOSWELL.

H.R. 2426: Ms. PELOSI.

H.R. 2490: Ms. HOOLEY of Oregon and Mr. KLECZKA.

H.R. 2699: Mr. GIBBONS and Mr. LIPINSKI.

H.R. 2726: Mr. EVANS.

H.R. 2823: Mr. ALEXANDER and Mr. SOUDER.

H.R. 2897: Mr. FATTAH and Ms. BORDALLO.

H.R. 2959: Mrs. CHRISTENSEN and Mr. LANGEVIN.

H.R. 2963: Mr. HERGER.

H.R. 3005: Mr. FATTAH and Mr. HOEFFEL.
H.R. 3069: Mr. BEAUPREZ.
H.R. 3111: Ms. LINDA T. SANCHEZ of California and Ms. BALDWIN.
H.R. 3115: Mr. WILSON of South Carolina.
H.R. 3142: Mr. UDALL of New Mexico.
H.R. 3148: Mr. DAVIS of Alabama, Mr. PUTNAM, and Mr. TIBERI.
H.R. 3178: Mrs. JONES of Ohio.
H.R. 3180: Mr. MEEHAN and Mr. LARSEN of Washington.
H.R. 3194: Ms. WOOLSEY.
H.R. 3243: Mr. WOLF.
H.R. 3352: Mrs. LOWEY.
H.R. 3361: Mr. STARK.
H.R. 3447: Mr. FARR and Mr. MCGOVERN.
H.R. 3459: Mr. RUPPERSBERGER, Ms. BALDWIN, Mr. GREEN of Texas, Mr. BLUMENAUER, Mr. BELL, Mr. EVANS, and Mr. GEORGE MILLER of California.
H.R. 3473: Mr. VITTER.
H.R. 3558: Mr. LIPINSKI and Mr. FRANK of Massachusetts.
H.R. 3729: Mr. LEACH, Mr. GEPHARDT, and Mrs. JONES of Ohio.
H.R. 3758: Ms. WOOLSEY, Mr. HINCHEY, Mr. GREEN of Texas, Mr. GONZALEZ, and Mr. ABERCROMBIE.
H.R. 3859: Mr. GONZALEZ.
H.R. 3968: Mr. PETERSON of Minnesota.
H.R. 4031: Mr. MOORE, Mr. SNYDER, MR. THOMPSON of Mississippi, and Mr. MCDERMOTT.
H.R. 4057: Mr. BRADLEY of New Hampshire.
H.R. 4149: Mr. HINOJOSA.
H.R. 4192: Mr. MOORE.
H.R. 4230: Mr. PASCRELL.
H.R. 4249: Mr. DELAHUNT, Mr. DINGELL, Mr. LANGEVIN, Ms. BERKLEY, Mr. MATSUI, Mr. ACKERMAN, Mr. CLAY, Mr. ROSS, and Ms. MAJETTE.
H.R. 4256: Mr. LANTOS.
H.R. 4263: Mr. CARDOZA.
H.R. 4343: Mr. GARY G. MILLER of California.
H.R. 4365: Mr. LEWIS of Georgia.
H.R. 4420: Mr. SCHROCK.
H.R. 4433: Mr. SCOTT of Virginia, Mr. RUSH, Mr. ABERCROMBIE, and Mr. NADLER.
H.R. 4434: Ms. LEE.
H.R. 4479: Mr. GRIJALVA and Mr. LEWIS of Georgia.
H.R. 4491: Mr. ISAKSON, Mr. CRENSHAW, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. NETHERCUTT, Mr. MCKEON, Mr. HOUGHTON, Mr. RUPPERSBERGER, Mr. BURR, Mr. TURNER of Ohio, Mr. NADLER, and Mr. LEWIS of Georgia.
H.R. 4493: Mr. KENNEDY of Rhode Island and Ms. LINDA T. SANCHEZ of California.
H.R. 4578: Mr. DEAL of Georgia, Mr. RODRIGUEZ, and Ms. LINDA T. SANCHEZ of California.
H.R. 4585: Mr. WEXLER, Mr. WAXMAN, Ms. ESCHOO, Ms. MCCARTHY of Missouri, and Mr. WYNN.
H.R. 4595: Ms. BORDALLO.
H.R. 4622: Mr. NADLER.
H.R. 4628: Mr. CLAY and Mr. VAN HOLLEN.
H.R. 4669: Mr. LIPINSKI, Mr. BERMAN, Mr. BACHUS, Mr. GARY G. MILLER of California, and Mr. SOUDER.
H.R. 4682: Mr. WATT.
H.R. 4689: Mr. JOHN.
H.R. 4706: Mr. SCHAKOWSKY, Mr. SHAYS, Mr. HEFLEY, Mr. PASCRELL, Mr. DEUTSCH, and Mr. WYNN.
H.R. 4776: Mr. FARR.
H.R. 4785: Mr. KLINE and Mr. EMANUEL.
H.R. 4799: Mr. MCDERMOTT, Mr. UPTON, Mr. LAMPSON, and Mr. CAPUANO.
H.R. 4820: Mr. PASCRELL.
H.R. 4849: Mr. JEFFERSON.
H.R. 4856: Mr. PETERSON of Minnesota.
H.R. 4860: Mr. TERRY.
H.R. 4866: Mrs. DAVIS of California and Mr. UPTON.
H.R. 4895: Mr. CANNON.
H.R. 4910: Mr. BOUCHER, MS. WOOLSEY, Ms. BALDWIN, and Mr. PASCRELL.
H.R. 4911: Mr. BRADY of Texas.
H.R. 4927: Mr. LARSEN of Washington and Ms. LINDA T. SANCHEZ of California.
H.R. 4936: Mrs. MCCARTHY of New York, Mr. HALL, Mr. KENNEDY of Rhode Island, Mr. BOSWELL, Mr. LEVIN, Mr. PICKERING, Mr. CLAY, Mr. MOORE, Mr. KUCINICH, Ms. LOFGREN, and Mr. ISRAEL.
H.R. 4948: Ms. BORDALLO.
H.R. 4961: Mrs. KELLY, Mr. DINGELL, Mr. WAXMAN, Mrs. LOWEY, Mr. SCHIFF, Mr. PRICE of North Carolina, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. MILLER of North Carolina, Mr. WEXLER, Mr. MCINTYRE, Ms. SCHAKOWSKY, Mr. BOUCHER, Mr. ISRAEL, Mr. SANDERS, and Mr. MCDERMOTT.
H.R. 4967: Mr. DEUTSCH.
H.R. 5001: Mr. MARKEY and Mr. MCINTYRE.
H.R. 5057: Mr. JEFFERSON, Mr. BERRY, Ms. CARSON of Indiana, Mr. CALVERT, Mr. MEEHAN, Mrs. EMERSON, and Mr. BRADY of Pennsylvania.
H.R. 5071: Mr. LOBIONDO, Mr. CALVERT, and Mr. VAN HOLLEN.
H.R. 5111: Mr. SMITH of Texas.
H.R. 5119: Ms. CARSON of Indiana, Mr. FILNER, and Mr. REYES.
H.R. 5144: Mr. GREEN of Texas, Mr. DAVIS of Alabama, and Mr. LARSEN of Washington.
H.R. 5150: Mr. CUMMINGS.
H.R. 5166: Mr. KUCINICH.
H.R. 5173: Mr. SOUDER.
H.R. 5174: Mr. TIERNEY.
H.R. 5182: Mr. RANGEL and Mr. BERMAN.
H.R. 5188: Mr. UPTON, Mr. AKIN, Mr. ENGLISH, Mr. LARSEN of Washington, Mr. DAVIS of Tennessee, and Mr. SOUDER.
H.R. 5190: Mrs. CAPITO.
H.R. 5191: Mr. STARK.
H.R. 5193: Mr. ACKERMAN, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. GREEN of Wisconsin, Mr. ROHRABACHER, Mr. CHANDLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NADLER, Ms. BERKLEY, Mr. KIRK, and Mr. WELLER.
H.R. 5196: Mr. DELAY, Mr. BONILLA, Mr. CULBERSON, Mr. SMITH of Texas, Mr. SESSIONS, Mr. PAUL, and Ms. GRANGER.
H.R. 5197: Mr. MCNULTY, Mr. PASTOR, and Mr. FILNER.
H.R. 5210: Ms. MILLENDER-MCDONALD, Mr. LYNCH, Mr. RYAN of Ohio, and Mr. MCGOVERN.
H.R. 5211: Mr. HOLDEN, Mr. VITTER, and Ms. HERSETH.
H.R. 5225: Ms. SCHAKOWSKY.
H.R. 5242: Mr. MARKEY.
H.R. 5245: Mr. GORDON.
H.R. 5246: Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Mr. KILDEE, Ms. NORTON, Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.
H.R. 5251: Mr. TOWNS and Mr. DEFAZIO.
H.R. 5254: Mr. CROWLEY.
H.R. 5255: Mr. CROWLEY.
H.R. 5259: Ms. MCCOLLUM.
H.R. 5273: Mr. ABERCROMBIE, Mrs. EMERSON, Mr. DOOLEY of California, Mr. ISSA, and Mr. TIAHRT.
H.R. 5274: Mr. DOOLEY of California.
H.J. Res. 22: Mr. FROST.
H.J. Res. 45: Mr. PASTOR.
H.J. Res. 101: Mr. FALEOMAVAEGA and Ms. BORDALLO.
H. Con. Res. 165: Mr. MEEHAN.
H. Con. Res. 441: Mrs. BIGGERT and Mr. BAKER.
H. Con. Res. 468: Mr. BROWN of Ohio.
H. Con. Res. 502: Mr. CALVERT.
H. Con. Res. 503: Mr. HINCHEY, Mr. FILNER, and Mr. FRANK of Massachusetts.
H. Con. Res. 507: Mr. GRIJALVA, Mrs. JO ANN DAVIS of Virginia, Mr. PASCRELL, Mr. ROGERS of Kentucky, Mr. CARDOZA, and Ms. BORDALLO.
H. Res. 28: Mr. GRIJALVA.
H. Res. 570: Mr. FORD, Mr. JACKSON of Illinois, Ms. MILLENDER-MCDONALD, and Ms. CORRINE BROWN of Florida.
H. Res. 746: Mr. UPTON and Mr. GONZALEZ.
H. Res. 750: Ms. BORDALLO.
H. Res. 793: Mr. NADLER.
H. Res. 799: Mr. MCGOVERN.
H. Res. 810: Mr. DEUTSCH, Mr. RUSH, Mrs. JONES of Ohio, Mr. FATTAH, Mr. MEEKS of New York, and Ms. KILPATRICK.
H. Res. 812: Mr. STARK, Mr. PASCRELL, and Mr. FROST.
H. Res. 837: Mr. HOEFFEL.
H. Res. 840: Mr. WHITFIELD, Mr. DUNCAN, Mr. PETERSON of Pennsylvania, Mr. COBLE, Mr. PETERSON of Minnesota, Mr. GILLMOR, and Mr. GIBBONS.
H. Res. 841: Mr. YOUNG of Alaska.

## PETITIONS, ETC.

Under clause 3 of rule XII,

119. The SPEAKER presented a petition of the City Council of Hamtramck, Michigan, relative to a resolution expressing concern that portions of the USA PATRIOT and Homeland Securities Act pose a direct threat to liberties and civil rights; which was referred to the Committee on the Judiciary.