

ALCEE L. HASTINGS,
SILVESTRE REYES,
LEONARD L. BOSWELL,
COLLIN C. PETERSON,
BUD CRAMER,
ANNA ESHOO,
RUSH HOLT,
C.A. DUTCH

RUPPERSBERGER,

From the Committee on Armed Services, for consideration of defense tactical intelligence and related activities:

DUNCAN HUNTER,
CURT WELDON,
IKE SKELTON,

Managers on the Part of the House.

PAT ROBERTS,
ORRIN HATCH,
MIKE DEWINE,
CHRISTOPHER BOND,
TRENT LOTT,
OLYMPIA SNOWE,
CHUCK HAGEL,
SAXBY CHAMBLISS,
JOHN WARNER,
DIANNE FEINSTEIN,
EVAN BAYH,
BARBARA MIKULSKI,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 4548,
INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2005

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that the conference report to accompany the bill (H.R. 4548) to authorize appropriations for fiscal year 2005 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, be considered as adopted.

The Clerk read the title of the bill.

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

Ms. HARMAN. Mr. Speaker, reserving the right to object, although I do not presently intend to object, I ask the gentleman to explain his unanimous consent request.

Mr. HOEKSTRA. Mr. Speaker, I have a statement which I will submit for the RECORD.

Mr. Speaker, as my colleague from California knows and as we have talked about, this conference report has been agreed upon. We have had it ready for about 3 weeks. We worked through it very much in a bipartisan way through the House and the Senate. We ask for its consideration and to move it forward. I am not going to go through the details of my statement.

I hope that clarifies why we are doing it in this fashion tonight.

Ms. HARMAN. Mr. Speaker, further reserving the right to object, I would point out to the gentleman and to this body that I signed the conference report, but that I think it would be worthwhile to make several points, although the time is late, including the fact that it gives the director of CIA flexible authority to pay employees under non-Federal cover, which is more and more important in targeting the post-9/11 security threats of terrorism

and the spread of WMD. It establishes a chief information technology manager to oversee enterprise, architecture, procurement and research and development. It requires the DCI to submit an assessment on countries or regions that are terrorist sanctuaries.

It contains a number of good language provisions. But it does not contain something that many of us feel is absolutely critical and that we hope will be forwarded by this administration for the 2006 budget, and that is full funding of counterterrorism in the base budget.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

AMERICAN BALD EAGLE RECOVERY AND NATIONAL EMBLEM COMMEMORATIVE COIN ACT

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 4116) to require the Secretary of the Treasury to mint coins celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States, to America's lands, waterways, and skies and the great importance of the designation of the American bald eagle as an "endangered" species under the Endangered Species Act of 1973, and for other purposes, and ask for its immediate consideration in the House.

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The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4116

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 "American Bald Eagle Recovery and National Emblem Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress.

(2) The bald eagle is the greatest visible symbol of the spirit of freedom and democracy in the world.

(3) The bald eagle species is unique to North America and represents the American values and attributes of freedom, courage, strength, spirit, loyalty, justice, equality, democracy, quality, and excellence.

(4) The bald eagle is the central image used in the Great Seal of the United States and the seal of many branches and departments of the United States Government, including the President and the Vice President of the United States, the United States Congress,

the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of State, the Department of Commerce, the Department of Homeland Security, and the United States Postal Service.

(5) The bald eagle's image and symbolism have played a profound role in establishing and honoring American beliefs and traditions.

(6) The bald eagle's image and symbolism have influenced American art, music, history, literature, commerce, and culture since the founding of our Nation.

(7) The bald eagle species was once threatened with possible extinction in the lower 48 States but is now making a gradual, encouraging recovery within America's lands, waterways, and skies.

(8) The bald eagle was federally classified as an "endangered" species in 1973 under the Endangered Species Act of 1973, and, in 1995, was removed from the "endangered" species list and upgraded to the less imperiled "threatened" status under such Act.

(9) The administration is likely to officially delist the bald eagle from both the "endangered" and "threatened" species lists under the Endangered Species Act of 1973 by no later than 2008.

(10) The initial recovery of the bald eagle population in the United States was accomplished by the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens.

(11) The continued caring and concern of the American people and the further restoration and protection of the bald eagle and its habitat is necessary to guarantee the full recovery and survival of this precious national treasure for future generations.

(12) Since the Endangered Species Act of 1973 requires that delisted species be administratively monitored for a 5-year period, the bald eagle nests in 49 States will require continual monitoring after the bald eagle is removed from the protection of such Act; and such efforts will require substantial funding to the Federal and State agencies and private organizations that will conduct such monitoring.

(13) Due to Federal and State budget cutting and balancing trends, funding for ongoing bald eagle care, restoration, monitoring, protection, and enhancement programs has diminished annually.

(14) In anticipation of the nationwide observance of the official removal, by 2008, of the bald eagle from the "threatened" species list under the Endangered Species Act of 1973, and the 35th anniversary, in 2008, of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act, Congress wishes to offer the opportunity for all persons to voluntarily participate in raising funds for future bald eagle recovery, monitoring, and preservation efforts and to contribute to a special American Eagle Fund endowment managed by the not-for-profit American Eagle Foundation of Tennessee in the United States, in cooperation with fund management experts.

(15) It is appropriate for Congress to authorize coins—

(A) celebrating the recovery and restoration of the bald eagle, the living symbol of freedom in the United States, to America's lands, waterways, and skies;

(B) commemorating the removal of the bald eagle from the "endangered" and "threatened" species lists under the Endangered Species Act of 1973; and

(C) commemorating the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act.

SEC. 3. COIN SPECIFICATIONS.

(a) **DENOMINATIONS.**—In celebration of the recovery of the bald eagle, the national living symbol of freedom, to America's lands, waterways, and skies and in commemoration of the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the placement of the bald eagle on the endangered species list under such Act, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) **\$5 GOLD COINS.**—Not more than 100,000 \$5 coins, which shall—

- (A) weigh 8.359 grams;
- (B) have a diameter of 0.850 inches; and
- (C) contain 90 percent gold and 10 percent alloy.

(2) **\$1 SILVER COINS.**—Not more than 500,000 \$1 coins, which shall—

- (A) weigh 26.73 grams;
- (B) have a diameter of 1.500 inches; and
- (C) contain 90 percent silver and 10 percent copper.

(3) **HALF DOLLAR CLAD COINS.**—Not more than 750,000 half dollar coins which shall—

- (A) weigh 11.34 grams;
- (B) have a diameter of 1.205 inches; and
- (C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this Act shall be emblematic of the bald eagle and its history, natural biology, and national symbolism.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

- (A) a designation of the value of the coin;
- (B) an inscription of the year "2008"; and
- (C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) **SELECTION.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts, and the American Eagle Foundation of Tennessee in the United States; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **MINT FACILITY.**—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2008.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

- (1) A surcharge of \$35 per coin for the \$5 coin.
- (2) A surcharge of \$10 per coin for the \$1 coin.
- (3) A surcharge of \$3 per coin for the half dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee in the United States for use solely for the following purposes:

(1) To establish an interest-bearing endowment called the American Eagle Fund as a permanent source of support for the care, monitoring, maintenance, and recovery of the bald eagle and its habitat in the United States, including the following:

- (A) Public education activities and events.
- (B) Habitat purchases and cooperative land agreements.
- (C) Raptor rehabilitation and captive breeding and hacking.
- (D) Behavior and migration research and wintering migration counts.

(E) Facilitate the enforcement of laws protecting the bald eagle.

(F) Nest-watch monitoring and eaglet banding.

(G) Public viewing areas and visitor centers.

(2) To make annual grants, in an amount not to exceed 10 percent of the annual income of the American Eagle Fund, to Federal, State, and private eagle restoration, protection, and enhancement projects within the 5 bald eagle recovery regions established by the United States Fish and Wildlife Service, in accordance with recommendations made by an advisory committee of recognized eagle experts which the Foundation shall establish.

(3) To administer the American Eagle Fund, including contracting for necessary services, in an annual amount not to exceed the lesser of—

- (A) 10 percent of the annual income of the American Eagle Fund; or
- (B) \$250,000.

(4) To provide financial support for capital projects related to the restoration and protection of bald eagles in Tennessee and in the United States, in general.

(5) To provide financial support for the continuation and expansion of the efforts of the American Eagle Foundation of Tennessee in the United States to educate the American people nationally about the livelihood, symbolism, and protection of the bald eagle, the national symbol of the United States, through the dissemination of information regarding bald eagles and their habitat at special events and through the media (including newspapers, magazines, radio, television, the Internet, and billboards).

(c) **AUDITS.**—The American Eagle Foundation of Tennessee in the United States and the American Eagle Fund shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation or the Fund under subsection (b).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. 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. LATOURETTE:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Bald Eagle Recovery and National Emblem Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress.

(2) The bald eagle is the greatest visible symbol of the spirit of freedom and democracy in the world.

(3) The bald eagle species is unique to North America and represents the American values and attributes of freedom, courage, strength, spirit, loyalty, justice, equality, democracy, quality, and excellence.

(4) The bald eagle is the central image used in the Great Seal of the United States and the seal of many branches and departments of the United States Government, including the President and the Vice President of the United States, the United States Congress, the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of State, the Department of Commerce, the Department of Homeland Security, and the United States Postal Service.

(5) The bald eagle's image and symbolism have played a profound role in establishing and honoring American beliefs and traditions.

(6) The bald eagle's image and symbolism have influenced American art, music, history, literature, commerce, and culture since the founding of our Nation.

(7) The bald eagle species was once threatened with possible extinction in the lower 48 States but is now making a gradual, encouraging recovery within America's lands, waterways, and skies.

(8) The bald eagle was federally classified as an "endangered" species in 1973 under the Endangered Species Act of 1973, and, in 1995, was removed from the "endangered" species list and upgraded to the less imperiled "threatened" status under such Act.

(9) The administration is likely to officially delist the bald eagle from both the "endangered" and "threatened" species lists under the Endangered Species Act of 1973 by no later than 2008.

(10) The initial recovery of the bald eagle population in the United States was accomplished by the vigilant efforts of numerous caring agencies, corporations, organizations, and citizens.

(11) The continued caring and concern of the American people and the further restoration and protection of the bald eagle and its habitat is necessary to guarantee the full recovery and survival of this precious national treasure for future generations.

(12) Since the Endangered Species Act of 1973 requires that delisted species be administratively monitored for a 5-year period, the bald eagle nests in 49 States will require continual monitoring after the bald eagle is removed from the protection of such Act; and such efforts will require substantial funding to the Federal and State agencies and private organizations that will conduct such monitoring.

(13) Due to Federal and State budget cutting and balancing trends, funding for on-

going bald eagle care, restoration, monitoring, protection, and enhancement programs has diminished annually.

(14) In anticipation of the nationwide observance of the official removal, by 2008, of the bald eagle from the "threatened" species list under the Endangered Species Act of 1973, and the 35th anniversary, in 2008, of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act, Congress wishes to offer the opportunity for all persons to voluntarily participate in raising funds for future bald eagle recovery, monitoring, and preservation efforts and to contribute to a special American Eagle Fund endowment managed by the not-for-profit American Eagle Foundation of Tennessee in the United States, in cooperation with fund management experts.

(15) It is appropriate for Congress to authorize coins—

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(B) commemorating the removal of the bald eagle from the "endangered" and "threatened" species lists under the Endangered Species Act of 1973; and

(C) commemorating the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the designation of the bald eagle as an "endangered" species under such Act.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In celebration of the recovery of the bald eagle, the national living symbol of freedom, to America's lands, waterways, and skies and in commemoration of the 35th anniversary of the enactment of the Endangered Species Act of 1973 and the placement of the bald eagle on the endangered species list under such Act, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 100,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 500,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

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(3) HALF DOLLAR CLAD COINS.—Not more than 750,000 half dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

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(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the bald eagle and its history, natural biology, and national symbolism.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Commission of Fine Arts, and the American Eagle Foundation of Tennessee in the United States; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2008.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

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(1) A surcharge of \$35 per coin for the \$5 coin.

(2) A surcharge of \$10 per coin for the \$1 coin.

(3) A surcharge of \$3 per coin for the half dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the American Eagle Foundation of Tennessee in the United States to further its works.

(c) AUDITS.—The American Eagle Foundation of Tennessee in the United States and the American Eagle Fund shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the Foundation or the Fund under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

Mr. LATOURETTE (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 (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The amendment in the nature of a substitute was agreed to.

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. 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 the bill just passed.

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

There was no objection.

GENERAL LEAVE

Mr. LOBIONDO. 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. 4548.

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

There was no objection.

COAST GUARD AND MARITIME TRANSPORTATION TECHNICAL CORRECTIONS ACT OF 2004

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 5426) to make technical corrections relating to the Coast Guard and Maritime Transportation Act of 2004, 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 New Jersey?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, while I do not intend to object, I do believe the gentleman should explain the relatively minor technical, truly technical changes, and I yield to the gentleman from New Jersey, the chairman of the subcommittee.

Mr. LOBIONDO. Mr. Speaker, H.R. 5426 makes technical corrections to Public Law 108-293, the Coast Guard Maritime Transportation Act of 2004. The bill does not make any substantive changes to the existing law, and I urge my colleagues to support this measure.

Mr. OBERSTAR. Mr. Speaker, further reserving the right to object, our side has reviewed the bill. We are in full accord with the explanation that the gentleman just made. They are truly technical in nature to correct typographical errors and to eliminate section number duplications.

Mr. Speaker, I withdraw my reservation of objection.

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